

3. Subject to the provisions of section four, the Governor General in Council may, from time to time, by notification in the *Gazette of India*, declare that a tender of payment of money, if made in the coins, or the coins of any specified metal, made under this Act for any Native State, shall be a legal tender in British India;

and the provisions of the Indian Coinage Act, 1870, shall apply to the coins to which such notification refers, so far as such provisions are applicable thereto, and save as expressly provided by such notification.

4. The power conferred by the first clause of section three shall be exercisable only when the coins referred to in such notification comply with the following conditions (that is to say)—

- in the case of coins of gold, silver or bronze,
  - (a) their fineness is identical with that for the time being prescribed by law for coins of the Government of India of the same metal;
  - in the case of coins whether of gold, silver, bronze or copper,
    - (b) they are identical in weight with some coins of the Government of India of the same metal, which may for the time being be legally coined at any Mint of the Government of India, or bear such relation thereto as is approved by the Governor General in Council;
    - (c) the devices upon their obverse and reverse differ from the devices on coins now made or issued by any such Native State, and have been approved by the Governor General in Council;
    - (d) upon each of such coins its value in money of the Government of India is inscribed in the English language;
    - (e) the Native State for which they are coined has undertaken to abstain during a term of not less than thirty years, from the date of the notification, from coining in its own mint gold, silver, bronze or copper, as the case may be, and has also undertaken that no coins resembling coins for the time being a legal tender in British India shall, after the expiration of the said term, be struck under its authority or with its permission at any place within or without its jurisdiction;
- (f) such State has formally declared that a tender of payment of money, if made in coins of the Government of India of the same metal shall, in the territories subject to such State, be a legal tender in the cases in which payment made in such coins would, under the law for the time being in force, be a legal tender in British India;
- (g) such State has also agreed that the law and rules for the time being in force respecting the cutting and breaking of coin of the Government of India reduced in weight by reasonable wearing or otherwise, or counterfeit, or called in by proclamation, shall apply to the coins made for such State under this Act, and that it will

defray the cost of cutting and breaking them; and

- (h) such State has also agreed not to issue the same coins below their nominal value, and not to allow any discount or other advantage to any person in order to bring them into circulation.

5. It shall be lawful for any such State to send to any mint in British India metal to be made into coin under this Act; and, subject to the Mint-rules for the time being in force, and to the provisions hereinafter contained, the Mint-master shall receive such metal and convert it into coin, provided that it be fit for coinage.

Nothing herein contained shall be deemed to entitle any such State to have coins made under this Act at any Mint of the Government of India of any metal which is not for the time being legally coined at such mint.

6. The Governor General in Council may impose on any metal sent to a mint for coinage under this Act the duty (if any) leviable on the same metal under the Indian Coinage Act, 1870, and also a charge sufficient to defray the expenses of coinage over and above the expenses of assay and refining; and the Mint-master shall coin such metal at the charge so imposed.

7. The Governor General in Council may, from time to time, with reference to the reasonable requirements of the population of any Native State, fix the maximum number of any coins of any particular metal that shall be coined under this Act.

WHITLEY STOKES,  
Secy. to the Govt. of India.

[ First Publication. ]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 28th March 1876, and is hereby promulgated for general information:—

ACT No. X. OF 1876.

## THE BOMBAY REVENUE JURISDICTION ACT, 1876.

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#### Preamble.

#### SECTIONS.

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7. Punishment or prosecution of Revenue officers not a bar to civil remedies.
  8. Officers to answer in suits against them for acts done by order of superior authority.
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  17. Revival of Bombay Regulation XVII of 1827, section 13.
- Operation of same Regulation in sites of villages and towns.
- Recovery of certain advances made by Local Government.

## SCHEDULE.

*An Act to limit the jurisdiction of the Civil Courts throughout the Bombay Presidency in matters relating to the Land-revenue, and for other purposes.*

WHEREAS in certain parts of the Presidency of

Preamble. Bombay, the jurisdiction of the Civil Courts in matters connected with the land-revenue is more extensive than it is in the rest of the said Presidency;

And whereas it is expedient that the jurisdiction of all the Civil Courts in the said Presidency should be limited in manner hereinafter appearing;

And whereas it is also expedient to amend the Bombay Civil Courts Act, section thirty-two, and to revive certain provisions of the thirteenth section of Regulation XVII of 1827 of the Bombay Code, which was repealed by the Land Improvement Act, 1871, and to provide for the recovery by the Local Government of advances made for purposes other than those specified in section three of the Land Improvement Act, 1871;

It is hereby enacted as follows:—

Short title. 1. This Act may be called "The Bombay Revenue Jurisdiction Act, 1876:—"

Commencement. So much of section four as relates to claims to set aside, on the ground of irregularity, mistake or any other ground except fraud, sales for arrears of land-revenue, shall come into force on such day as the Governor General in Council directs in that behalf by notification in the *Gazette of India*. The rest of this Act shall come into force on the passing thereof;

Extent. And it shall extend to all the territories for the time being under the government of the Governor of

Bombay in Council, but not so as to affect—

(a) any suit regarding the assessment of revenue on land situate in the Collectorate of Bombay, or the collection of such revenue;

(b) any of the provisions of Bombay Acts V of 1862 and VI of 1862, or of Act XV of 1871, or of Act XXIII of 1871;

(c) any suit instituted before the passing of this Act.

2. The enactments mentioned in the schedule hereto annexed are repealed to the extent specified in the third column thereof.

3. In this Act, unless there be something repugnant in the subject or context,—

Interpretation-clause. "Land" includes the sites of villages, towns and cities: it also includes trees, growing crops and grass, fruit upon, and juice in, trees, rights-of-way, ferries, fisheries, and all other benefits to arise out of land, and things attached to the earth, or permanently fastened to things attached to the earth:

"Land-revenue" means all sums and payments, in money or in kind, received or claimable by or on behalf of Government from any person on account of any land held by or vested in him, and any cess or rate authorized by Government under the provisions of any law for the time being in force:

"Revenue officer" means any officer employed in or about the business of the land-revenue, or of the surveys, assessment, accounts or records connected therewith.

4. Subject to the exceptions hereinafter appearing, no Civil Court shall exercise jurisdiction as to any of the following matters:—

(a) claims against Government relating to any property appertaining to the office of any hereditary officer appointed or recognised under Bombay Act No. III of 1874, or any other law for the time being in force, or of any other village-officer or servant, or

claims to perform the duties of any such officer or servant, or in respect of any injury caused by exclusion from such office or service, or

suits to set aside or avoid any order under the same Act or any other law relating to the same subject for the time being in force passed by Government or any officer duly authorized in that behalf, or

claims against Government relating to lands held under treaty, or to lands granted or held as saranjām, or on other political tenure, or to lands declared by Government or any officer duly authorized in that behalf to be held for service;

(b) objections—

to the amount or incidence of any assessment of land-revenue authorized by Government, or

to the mode of assessment, or to the principle on which such assessment is fixed, or

to the validity or effect of the notification of survey or settlement, or of any notification determining the period of settlement;

(c) claims connected with or arising out of any proceedings for the realization of land-revenue or the rendering of assistance by Government or any officer duly authorized in that behalf to superior holders or occupants for the recovery of their dues from inferior holders or tenants;

claims to set aside on account of irregularity, mistake, or any other ground except fraud, sales for arrears of land-revenue;



## (d) claims against Government—

- (1) to be entered in the revenue survey or settlement records or village papers as liable for the land-revenue, or as superior holder, inferior holder, occupant or tenant, or
- (2) to have any entry made in any record of a revenue survey or settlement, or
- (3) to have any such entry either omitted or amended;

(e) the distribution of land or allotment of land-revenue on partition of any estate under Bombay Act IV of 1868, or any other law for the time being in force;

## (f) claims against Government—

to hold land wholly or partially free from payment of land-revenue, or  
to receive payments charged on or payable out of the land-revenue, or

to set aside any cess or rate authorized by Government under the provisions of any law for the time being in force, or  
respecting the occupation of waste or vacant land belonging to Government;

(g) claims regarding boundaries fixed under Bombay Act No. I of 1865, or any other law for the time being in force, or to set aside any order passed by a competent officer under any such law with regard to boundary-marks:

Provided that if any person claim to hold land wholly or partially exempt from payment of land-revenue under—

Proviso.

(h) any enactment for the time being in force expressly creating an exemption not before existing in favour of an individual or of any class of persons, or expressly confirming such an exemption on the ground of its being shown in a public record, or of its having existed for a specified term of years, or

(i) an instrument or sanad given by or by order of the Governor of Bombay in Council under Bombay Act No. II of 1863, section one, clause first, or Bombay Act No. VII of 1863, section two, clause first, or

(j) any other written grant by the British Government expressly creating or confirming such exemption, or

(k) a judgment by a Court of law, or an adjudication duly passed by a competent officer under Bombay Regulation XVII of 1827, chapter X, or under Act No. XI of 1852, which declares the particular property in dispute to be exempt;

such claim shall be cognizable in the Civil Courts.

*Illustrations to (h).*

(1). It is enacted that, in the event of the proprietary right in lands, the property of Government, being transferred to individuals, they shall be permitted to hold the lands for ever at the assessment at which they are transferred. The proprietary right in certain lands is transferred to A at an assessment of Rs. 100. An exemption from higher assessment not before existing is expressly created in favour of A by enactment, and he may seek relief in the Civil Court against over-assessment.

(2). It is enacted that when a specific limit to assessment has been established and preserved, the assessment shall not exceed such specific limit. A is the owner of land worth Rs. 100 for assessment. He claims to be assessed at Rs. 50 only on the strength of a course of dealing with him and his predecessors under which his land has not been more highly assessed. There is no exemption not before

existing created by enactment, and A's claim is not cognizable in a Civil Court.

(3). It is enacted that land-revenue shall not be leviable from any land held and entered in the land-registers as exempt. A claims to hold certain land as exempt on the ground that it has been so held by him, and is so entered in the land-register. This is an exemption expressly confirmed by enactment on the ground of its being shown in a public record, and A's claim is cognizable in a Civil Court.

(4). It is enacted that the Collector shall confirm existing exemptions of all lands shown in certain maps to be exempt. A claims exemption alleging that his land is shown in the maps to be exempt. A's claim is cognizable in a Civil Court.

(5). It is enacted that assessment shall be fixed with reference to certain considerations, and not with reference to others. This is not an enactment creating an exemption in favour of any individual or class, and no objection to an assessment under such an enactment is cognizable in a Civil Court.

5. Nothing in section four shall be held to prevent the Civil Courts from entertaining the following suits:—

(a) suits against Government to contest the amount claimed, or paid under protest, or recovered, as land-revenue on the ground that such amount is in excess of the amount authorized in that behalf by Government, or that such amount had previous to such claim, payment, or recovery been satisfied, in whole or in part, or that the plaintiff, or the person whom he represents, is not the person liable for such amount;

(b) suits between private parties for the purpose of establishing any private right, although it may be affected by any entry in any record of a revenue survey or settlement or in any village papers;

(c) suits between superior holders or occupants and inferior holders or tenants regarding the dues claimed or recovered from the latter;

and nothing in section four, clause (g) shall be held to prevent the Civil Courts from entertaining suits, other than suits against Government, for possession of any land being a whole survey number or a recognized share of a survey number.

6. Revenue officers shall not be liable to be sued for damages in any Civil Court for any act *bona fide* done, or ordered to be done, by them as such in pursuance of the provisions of any law for the time being in force.

If any Revenue officer absconds or does not attend when called on by his official superior, and if the Collector of the District proceeds against him or his sureties for public money, papers or property according to the provisions of any law for the time being in force, such Collector shall not be liable to pay damages or costs in any suit brought against him by such officer or sureties, although it appears that a part only, or no part whatever, of the sum demanded was due from the officer so absconding or failing to attend, or that he was not in possession of the papers or property demanded of him.

7. Nothing in any law for the time being in force which authorizes the punishment of any Revenue officer for any offence or breach of duty, or which sanctions his prosecution criminally for such offence or breach, shall be held to bar any remedy which may be had in the Civil Court against such officer.

8. If any act done by a Revenue officer under orders from superior authority subsequently forms the ground of a civil suit against him, he shall appear and answer in such suit as if the act had been done solely by his own authority.

9. In every case in which but for the passing of this Act any act or omission of a Revenue officer would have been open to question in a Civil Court, any party aggrieved by such act or omission may, if no other appeal is given by any law for the time being in force, present an appeal, within two months from the date of such act or omission, to the immediate official superior of such officer; and if such official superior be of a grade inferior to that of a Commissioner of Revenue, then the party aggrieved by his decision on appeal may present a further appeal against such decision to the Commissioner of Revenue or such other officer as the Local Government appoints in this behalf.

Such further appeal must be presented within one month from the date of the decision complained of.

Any appeal under this section may be admitted after the period of limitation prescribed therefor when the appellant satisfies the officer appealed to that he had sufficient cause for not presenting the appeal within such period.

In computing any period of limitation so prescribed, the day on which the act, omission or decision complained of took place or was pronounced shall be excluded.

10. The Local Government may call for and examine the record of the proceedings on appeal under section nine of any officer for the purpose of satisfying itself as to the legality or propriety of any order passed by him, and may reverse or modify his order, or, if it think fit, may direct that additional evidence be taken, or that the appeal be reheard.

11. No Civil Court shall entertain any suit against Government on account of any act or omission of any Revenue officer unless the plaintiff first proves that, previously to bringing his suit, he has presented all such appeals allowed by the law for the time being in force, as within the period of limitation allowed for bringing such suit, it was possible to present.

12. If in the trial or investigation of any suit, claim or objection, which, but for the passing of this Act, might have been tried or investigated by a Civil Court there arises any question on which the Governor General in Council or the Local Government desires to have the decision of the High Court, the Governor General in Council or the Local Government, as the case may be, may cause a statement of the question to be prepared, and may refer such question for the decision of the High Court of Judicature at Bombay.

The said High Court shall fix an early day for the hearing of the question referred, and cause notice of such day to be placed in the Court-house.

The parties to the case may appear and be heard in the High Court in person or by their advocates or pleaders.

The High Court, when it has heard and considered the case, shall send a copy of its decision, with the reasons therefor, under the seal of the Court, to the Government by which the reference was made, and subject to any appeal which may be presented to Her Majesty in Council, the case shall be disposed of conformably to such decision.

If the High Court considers that any such statement is imperfectly framed, the High Court may return it for amendment.

The costs (if any) consequent on any such reference shall be dealt with as the High Court in each case directs.

13. If in any suit instituted, or in any appeal presented in a Civil Court, the Judge doubts whether he is precluded by this Act from taking cognizance of the suit or appeal, he may refer the matter to the High Court.

The High Court may order the Judge making the reference either to proceed with the case or to return the plaint.

The order of the High Court on any such reference shall be subject to appeal to Her Majesty in Council, and save as aforesaid, shall be final.

14. Every reference under section twelve or section thirteen shall be heard by a Bench consisting of such number of Judges not less than three, as the Chief Justice from time to time directs.

15. For section thirty-two of the Bombay Civil Courts Act, No. XIV of 1869, the following shall be substituted (namely): "No Subordinate Judge or Court of Small Causes shall receive or register a suit in which the Government or any officer of Government in his official capacity is a party, but in every such case such Judge or Court shall refer the plaintiff to the District Judge, in whose Court alone (subject to the provisions of section nineteen) such suit shall be instituted."

16. Whenever any suit is brought in any District Court against Government,

or against any Revenue officer, and the Local Government undertakes the defence thereof,

it shall be lawful for the Local Government, by certificate signed by a Secretary thereto, to require—

(a) that such suit shall be tried by the District Judge himself, and shall not be transferred for trial to an Assistant Judge; and

(b) that the trial of any such suit shall have precedence over the trial of any other suit or other civil proceeding then pending in such Court;

and the Court shall give effect to every such requirement.

The privilege conferred on the Local Government by the clause (b) of this section shall, *mutatis mutandis*, apply to any appeal or special appeal against any decree in any such suit as is described in this section.

17. Notwithstanding any repeal effected by the Revival of Bombay Land Improvement Act, Regulation XVII of 1871, arrears of land-revenue 1827, section 13. of former years shall be recoverable by the Collector in the same way as current land-revenue, except that the preference given to demands for current land-revenue, as specified in section five of Bombay Regulation XVII of 1827, shall not extend to demands on account of the arrears for former years.

So much of the said Regulation as is for the time being in force in any part of the territories to which this Act extends shall be deemed to be in force and to have always been in force in the sites of all villages, towns and cities in such part.

All advances made by the Local Government for purposes other than those specified in the Land Improvement Act, 1871, section four, may be recovered from the persons to whom such advances are made as if they were arrears of land-revenue.

#### SCHEDULE.

(See section 2.)

#### ACTS OF THE GOVERNOR GENERAL IN COUNCIL.

Number and year.	Title or abbreviated Title.	Extent of repeal.
XVI of 1838 ...	Suits, Bombay ...	In section 1. the words "or of the wuttans of hereditary district or village officers."
X of 1848 ...	An Act for annexing the lapsed State of Mandvi to the Presidency of Bombay.	So much of section 2 as is not repealed.
XI of 1852 ...	An Act for the adjudication of titles to certain estates claimed to be wholly or partially rent-free in the Presidency of Bombay.	Section 7.
VIII of 1853 ...	An Act for bringing the lapsed State of Colaba under the laws of the Presidency of Bombay.	So much of section 2 as is not repealed.

#### ACTS OF THE GOVERNOR OF BOMBAY IN COUNCIL.

Number and year.	Title or abbreviated Title.	Extent of repeal.
II of 1863 ...	An Act to facilitate the adjustment of unsettled claims to exemption from the payment of land-revenue, &c.	Section 13, from and including the words "it shall not" down to and including the words "is concerned." Section 14.
III of 1863 ...	An Act for bringing under the Regulations and Acts of the Presidency of Bombay the territories of Sattara, certain villages and lapsed States in the Collectorate of Sholapoor, &c.	Section 3.
VII of 1863 ...	An Act for the summary settlement of claims to exemption from the payment of Government land-revenue, &c.	Section 2, Clause 4. Section 28, from and including the words "it shall not" down to and including the words "the said Act." Section 29.
I of 1865 ...	An Act to provide for the survey, demarcation, assessment, and administration of lands held under Government in the districts belonging to the Presidency of Bombay, &c.	The proviso to section 14.
II of 1866 ...	An Act to divest Courts of Revenue of jurisdiction in certain cases, &c.	So much as has not been repealed.
XIV of 1866 ...	An Act to bring the Pergunnas of Edulabad and Wurrungaom under the general Regulations and Acts of the Presidency of Bombay.	Section 2.
II of 1871 ...	An Act for imposing duties on the non-agricultural classes, &c.	Section 17, from and including the words "and no suit" to the end.

#### BOMBAY REGULATIONS.

Number and year.	Title or abbreviated Title.	Extent of repeal.
XVI of 1827 ...	A Regulation defining the duties of the Collector, and his powers, &c.	Section 6. Section 11, clause 5. Section 14, clause 4. Section 27, clause 3.



BOMBAY REGULATIONS,— <i>continued.</i>			BOMBAY REGULATIONS,— <i>concluded.</i>		
Number and year.	Title or abbreviated Title.	Extent of repeal.	Number and year.	Title or abbreviated Title.	Extent of repeal.
XVII of 1827 ...	A Regulation for the territories subordinate to Bombay, prescribing Rules for the assessment and realization of the land-revenue, &c.	Section 9. Section 16, clause 5.	V of 1830 ...	A Regulation providing for the appointment of a Revenue Commissioner, &c.	Section 1, clause 6, from the words "But if any act" to the end.
XXIX of 1827 ...	A Regulation for bringing under the operation of the Regulations the Bombay territories in the Dekkhan and Khândesh.	So much of section 6 as is not repealed.	VII of 1830 ...	A Regulation for bringing under the operation of the Regulations the Territories comprised in the Southern Mahratta Country, &c.	So much of section 2 as makes section 6 of Regulation XXIX of 1827 applicable to the Territories comprised in the Southern Mahratta Country.

WHITLEY STOKES,  
*Secy. to the Govt. of India.*



# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, APRIL 8, 1876.

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No. 33.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

### LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 21st March 1876, and is hereby promulgated for general information:—

ACT No. VII OF 1876.

*An Act to extend the Criminal Tribes Act, 1871, to the Lower Provinces of Bengal and to amend the same Act.*

WHEREAS it is expedient to extend Act No. XXVII of 1871 (for the Registration of Criminal Tribes and Eunuchs) to the Lower Provinces of Bengal and to amend the same Act in manner hereinafter appearing; It is hereby enacted as follows:—

1. Section one of the said Act shall be read as if, after the words 'Lieutenant-Governors of,' the following word were inserted (namely), 'Bengal.'

Extension of section 1, Act XXVII of 1871, to Lower Provinces of Bengal.

2. Section eighteen of the said Act shall be read as if in the second clause, after the words 'persons reside,' the following words were inserted (namely), 'or the agents of such landowners or occupiers.'

Amendment of section 18, Act XXVII of 1871.

Section twenty-one of the said Act shall be read as if in the first clause, after the words 'persons reside,' the following words were inserted (namely), 'or of the agent of any such owner or occupier,'

Amendment of section 21, Act XXVII of 1871.

and as if in the fourth clause, after the words 'occupier of land,' the following words were in-

serted (namely), 'or of the agent of such owner or occupier.'

Amendment of section 22, Act XXVII of 1871. And section twenty-two of the same Act shall be read as if, after the words 'occupier of land,' the following words were inserted (namely), 'or the agent of such owner or occupier.'

WHITLEY STOKES,

Secy. to the Govt. of India.

[Second Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 28th March 1876, and is hereby promulgated for general information:—

ACT No VIII OF 1876.

### THE NATIVE PASSENGER SHIPS ACT, 1876.

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## SCHEDULE.

*An Act to consolidate and amend the law relating to Native Passenger Ships.*

WHEREAS it is expedient to consolidate and amend the law relating to Native Passenger Ships; It is hereby enacted as follows:—

## CHAPTER I.

## PRELIMINARY.

1. This Act may be called "The Native Passenger Ships Act, 1876."
2. It extends to the whole of British India, and applies—  
Extent and applica- (a) to all subjects of Her  
tion of Act. Majesty within the dominions  
of Princes and States in India in alliance with Her Majesty;  
(b) to all Native Indian subjects of Her Majesty without and beyond British India; and,  
(c) subject to the exceptions mentioned in the subsequent part of this section, to vessels carrying more than thirty passengers, being Natives of Asia or Africa.  
Nothing herein contained applies—  
(d) to any Ship-of-War or Transport belonging to, or in the service of, Her Majesty;  
(e) to any Ship-of-War belonging to any Foreign Prince or State;  
(f) to any sailing-vessel not carrying as passengers more than thirty Natives of Asia or Africa;  
(g) to any steamer not carrying as passengers more than sixty of such Natives;  
(h) to any sailing-vessel or steamer not intended to convey passengers to or from any port in British India.
3. This Act shall come into force on such day as the Governor General in Council directs by notification in the *Gazette of India*.

## Commencement.

## Repeal of Acts.

4. On and from that day the Acts specified in the Schedule hereto annexed shall be repealed.

But all ports, places and officers appointed, and all certificates granted, under any of such Acts,



shall be deemed to be respectively appointed and granted under this Act;

and the last clause of section one of Act No. II of 1860 (*to amend the law relating to the Carriage of Passengers by Sea*) shall be read as follows:—

“Voyages from ports in British India to ports in the Red Sea or Persian Gulf, under the Native Passenger Ships Act, 1876.”

Interpretation-clause. 5. In this Act—

the expression “Magistrate” means a person exercising powers not inferior to those of a Magistrate of the second class, and includes a Justice of the Peace, and, at the Port of Aden, the Political Resident and his Assistants:

the expression “ship” includes every description of vessel used in navigation not propelled by oars:

the expression “Master” includes every person (other than a pilot) having command or charge of a ship:

the expression “Passenger” means a person above the age of twelve years, or two persons between the ages of one year and twelve years; but it does not include a person in attendance on another person who is not a Native of Asia or Africa, nor a child under one year of age:

the expression “voyage” means the whole distance between the ship’s port of departure and her final port of arrival:

the expression “long voyage” means any voyage during which the ship performing it will under ordinary circumstances be one hundred and twenty hours or upwards continuously out of port:

the expression “short voyage” means any voyage during which the ship performing it will never under ordinary circumstances be one hundred and twenty hours continuously out of port:

#### Illustration.

A ship starts from port A, and is destined finally to arrive at port B, between which ports the ordinary distance is ten days: but she is to touch at four intermediate ports, no one of which is under ordinary circumstances more than five days from the next one. This is a short voyage.

the expression “Chief Officer of Customs” means the executive officer of highest rank in the Department of Customs in any port to which this Act applies.

## CHAPTER II.

### RULES FOR ALL VOYAGES.

6. No ship carrying passengers shall depart or proceed from, or shall discharge passengers at, any port or place within British India other than such ports and places as the Local Government may from time to time appoint in this behalf;

and after any ship has departed or proceeded upon any voyage from a port or place so appointed, no person shall be received on board as a passenger, except at some other port or place so appointed.

7. The master, owner or agent of every ship so departing or proceeding shall give notice to an officer authorized in this behalf by the Local Government that the ship is to carry Native passengers, and of her destination, and of the proposed time of sailing.

Such notice shall be given not less than twenty-four hours before such time.

8. After receiving such notice, the officer aforesaid, or any person authorized by him, shall be at liberty at all times to enter and inspect the ship and the fittings, provisions and stores therein.

9. No ship intended to carry passengers shall commence any voyage from any port or place appointed under this Act, unless the Master holds two certificates to the effect hereinafter mentioned.

And the officer of Government whose duty it is to grant a port-clearance for such ship shall not grant the same unless the Master holds such certificates.

10. The first of such certificates (hereinafter called ‘certificate A’) shall state that the ship is seaworthy and properly equipped, fitted and ventilated; and the number of passengers that she is capable of carrying.

11. The second of such certificates (hereinafter called ‘certificate B’) shall state—

(a) the voyage which the ship is intended to make, and the intermediate ports (if any) at which she is intended to touch;

(b) that she has the proper complement of officers and seamen;

(c) that provisions, fuel and pure water, over and above what is necessary for the crew, and the other things (if any) prescribed for the ship by rule under section forty-six, have been placed on board, of the quality prescribed by rule under the same section, properly packed, and sufficient to supply the passengers on board during the declared duration of the intended voyage, according to the scale for the time being prescribed by rule under the same section;

(d) that the Master holds certificate A;

(e) if she is intended to make a short voyage in a season of foul weather, and to carry upper-deck passengers, that she is furnished with substantial bulwarks and a double awning or other sufficient protection against the weather;

(f) such other particulars (if any) as may for the time being be required for such ship under this Act.

12. The person by whom certificate B is to be granted shall in all cases be the officer referred to in section seven.

13. The person by whom certificate A is to be granted shall be the officer aforesaid, except that, if the Master of a ship produce to such officer either of the following certificates (namely)—

(a) a valid certificate granted by the Board of Trade or by any British Colonial Government;

(b) a certificate granted under the authority of any British Indian Government, and dated not more than six months before the proposed day of sailing,

and if the particulars required by section ten are certified thereby,

such officer may take any such certificate as evidence of such particulars, and it shall then be a valid certificate for the purposes of this Act.

14. After receiving the notice required by section seven, the officer aforesaid may, if he think fit, cause the ship to be surveyed at the expense of the master or owner by competent surveyors, who shall report to him whether the ship is, in their opinion, seaworthy and properly equipped, fitted and ventilated for her intended voyage:

Provided that he shall not cause any ship holding any certificate mentioned in section thirteen, clause (a) or clause (b), to be surveyed unless, from the ship having met with damage or having undergone alterations, or on other reasonable ground, he considers it likely that she may be found unseaworthy or not properly equipped, fitted or ventilated for her intended voyage.

If the officer aforesaid causes a survey to be made of any vessel holding any such certificate, and if the surveyors report that the vessel is seaworthy and properly equipped, fitted and ventilated for her intended voyage, and that there was no reasonable ground why the officer aforesaid should have thought it likely that she would be found unseaworthy, or not properly equipped, fitted or ventilated for her intended voyage, the expense of the survey shall be paid by the Local Government.

15. The officer authorized to grant a certificate under this Act, in respect of any ship, shall not grant the same, unless he is satisfied that she has not on board any cargo likely from its quality, quantity, or mode of stowage, to prejudice the health or safety of the passengers.

But save as aforesaid, and subject to the provisions of section sixteen, the grant or withholding of a certificate under this chapter shall in all cases be in the discretion of the officer aforesaid.

16. In the exercise of such discretion such officer shall be subject to the control of the Local Government, or of any intermediate authority which that Government may from time to time appoint in this behalf.

17. The Owner or Master shall put up in a conspicuous part of the ship, so as to be visible to persons on board the same, a copy of each of the said certificates granted by an officer appointed under this Act in respect of the ship, and shall keep such copies in such position during the voyage.

18. The requirements of this Act respecting the supply of provisions for passengers shall not, except as to the supply of water, be applicable to any passenger who has contracted

to furnish his own provisions, and who has, in the opinion of such officer as the Local Government appoints in this behalf, actually furnished such provisions of the quality and to the amount for the time being prescribed by rules made under section forty-six.

### CHAPTER III.

#### RULES FOR SHORT VOYAGES.

19. For seasons of fair weather, every ship performing a short voyage shall contain in the between-decks at least six superficial feet and thirty-six cubic feet of space for every intermediate or between-decks passenger, and shall contain on the upper-deck at least four superficial feet for each such passenger and six superficial feet for each upper-deck passenger.

For seasons of foul weather, every ship propelled by sails and performing a short voyage shall contain in the between-decks at least twelve superficial feet and seventy-two cubic feet of space for every intermediate or between-decks passenger, and shall contain on the upper-deck at least four superficial feet for each such passenger and twelve superficial feet for each upper-deck passenger.

For seasons of foul weather, every ship propelled by steam, or partly by steam and partly by sails, and performing a short voyage, shall contain in the between-decks at least nine superficial feet and fifty-four cubic feet of space for every intermediate or between-decks passenger, and shall contain on the upper-deck at least four superficial feet for each such passenger and nine superficial feet for each upper-deck passenger.

But in such seasons no ship shall carry upper-deck passengers unless she is furnished with substantial bulwarks and a double awning or other sufficient protection against the weather.

20. If any ship performing a short voyage takes any additional passengers on board at any intermediate port or place, the Master shall obtain a supplementary certificate from the proper officer at such port, stating—

(a) the number of passengers so taken on board, and

(b) that provisions, fuel, and pure water (over and above what is necessary for the crew, and the other things, if any, prescribed for the ship by rule under section forty-six) have been placed on board, of the quality prescribed by rule under the same section, properly packed, and sufficient to supply the total number of passengers on board during the declared duration of the intended voyage, according to the scale for the time being prescribed by rule under the same section.

Provided that, if the certificate B held by the Master of such ship states that provisions, fuel and pure water, over and above what is necessary for the crew, and the other things, if any, prescribed for her by rule under section forty-six, have been placed on board, of the quality prescribed by rule under the same section, properly packed, and sufficient to supply the full number of passengers that she is capable of carrying, the Master shall not be bound to obtain any such supplementary certificate.

21. When the ship reaches her final port of arrival, the Master shall notify to such officer as the Governor General in Council may appoint in this behalf, the date and supposed cause of death of every passenger dying on the voyage.

## CHAPTER IV.

## RULES FOR LONG VOYAGES.

22. Every ship propelled by sails and performing a long voyage shall contain in the between-decks at least twelve superficial feet and seventy-two cubic feet of space for every passenger.

Every ship propelled by steam, or partly by steam and partly by sails, and performing a long voyage, shall contain in the between-decks at least nine superficial feet and fifty-four cubic feet of space for every passenger.

23. The Master of every such ship, before departing or proceeding on any long voyage from any port or place in British India, shall sign two statements, specifying the number and the respective sexes of all the passengers, and stating the number of the crew; and shall deliver them to the officer last aforesaid, who shall thereupon (after having first satisfied himself that the numbers are correct) countersign and return to the Master one of such statements.

24. The Master shall note in writing on such last-mentioned statement, and on any additional statement to be made under the next following section, the date and supposed cause of death of any passenger who may die on the voyage, and shall forthwith, on the arrival of the ship at her destination or at any port at which it may be intended to land passengers, and before any passengers are landed, produce the statement, with any additions thereto made, to any person lawfully exercising Consular authority on behalf of Her Majesty at the port of arrival if it be a foreign port, or to the Chief Officer of Customs, or the officer (if any) appointed under this Act to receive such statements, at any port or place at which it is intended to land the passengers or any of them.

25. If, after the ship has departed or proceeded on any long voyage, any additional passengers are taken on board at a port or place within British India appointed under this Act for the embarkation of passengers, or if such ship upon her voyage touch or arrive at any such port, having previously received on board additional passengers at any place without British India,

the Master shall obtain a fresh certificate to the effect of certificate B from the proper officer at such port, and shall make additional statements specifying the number and the respective sexes of all such additional passengers;

and all the provisions hereinbefore contained in that behalf shall be applicable to any certificate granted or statement made under this section.

26. In the case of every ship sailing from any port within British India to any port in the Red Sea, the officer whose duty it is to grant a port-clearance for any such ship shall not

grant such clearance unless and until the owner, agent, or master of such ship and two sureties resident in British India have by a joint and several bond become bound unto the Secretary of State for India in Council in the penal sum of five thousand rupees for the purpose of binding the ship to touch at Aden on the outward voyage, and there to obtain a clean bill of health, and to do the same on the homeward voyage if she continue (being propelled by sails) to carry more than thirty passengers, or (being propelled by steam or partly by steam and partly by sails) to carry more than sixty passengers.

27. Every ship carrying more than thirty passengers being Natives of Asia or Africa, and sailing from any port in British India to any port in the Red Sea, or sailing from any port in the Red Sea to any port in British India, shall touch at Aden, and shall not leave that port without having obtained from the proper authority a clean bill of health.

28. No bill of health shall be granted under section twenty-six or section twenty-seven in case the ship has on board a greater number of passengers than in the proportion prescribed for her by this Act.

## CHAPTER V.

## PENALTIES.

29. If any ship departs or proceeds upon a voyage from, or discharges passengers at, any port or place within British India in contravention of the provisions of section six or section nine,

or if any person is received as a passenger on board a ship in contravention of the provisions of the second clause of section six,

the Owner or Master shall, for every passenger conveyed in such ship, or for every passenger so discharged or received on board, be liable to a penalty not exceeding one hundred rupees, or to imprisonment not exceeding one month, or to both;

and the ship, if found within two years in any port within British India, may be seized and detained by any Chief Officer of Customs until the penalties incurred under this Act by her owner or Master have been adjudicated, and the payment of the fines imposed on him under this Act, with all costs, has been enforced, under the provisions hereinafter contained.

30. Any person impeding or refusing to allow the entry or inspection authorized under this Act shall be liable to a fine not exceeding five hundred rupees for each offence, or to imprisonment for a term not exceeding three months, or to both.

31. Any Owner or Master wilfully failing to comply with the requirements of section seventeen, as to copies of certificates, shall, for every such failure, be liable to a fine not exceeding two hundred rupees, or to imprisonment for any term not exceeding a month, or to both.

32. Any Master failing to comply with any of the requirements of section twenty-three or section twenty-four, as to the statement of passengers,



or wilfully making any false entry or note in or on any such statement,  
or wilfully failing to obtain any such supplementary certificate as is mentioned in section twenty, or to report deaths as required by section twenty-one,

Penalty for failing to obtain fresh certificate for additional passengers taken.

or to obtain any such fresh certificate, or to make any such statement of the number of additional passengers, as is mentioned in section twenty-five, shall be liable to a fine not exceeding five hundred rupees for every such offence, or to imprisonment for a term not exceeding three months, or to both.

33. Any Master who, after having obtained any of the certificates mentioned in section nine or section twenty, or section twenty-five, fraudulently does or suffers to be done anything whereby such certificate becomes inapplicable to the altered state of the ship, her passengers, or other matters to which such certificate relates, shall be liable to a fine not exceeding two thousand rupees, or to imprisonment not exceeding six months, or to both.

Penalty for fraudulent alteration in ship after certificate obtained.

34. Any Master wilfully, and without satisfactory excuse, omitting to supply to any passenger the allowance of food, fuel and water prescribed by rule made under this Act and for the time being in force, shall be liable to a fine not exceeding twenty rupees for every passenger who has sustained detriment by such omission.

Penalty for failing to supply passengers with prescribed provisions.

35. The Master of any ship described in section twenty-seven, who wilfully fails to touch at Aden, or leaves that port without having obtained the bill of health therein mentioned, shall, for every such offence, be liable to a fine not exceeding two thousand rupees, or to imprisonment not exceeding six months, or to both.

Penalty for not obtaining bill of health.

36. If any ship has on board any number of passengers which, having regard to the time of the year and other circumstances, is greater than the number allowed by the certificate, or, if arriving from a port where no certificate could be procured, has on board a number of passengers exceeding the number allowed by this Act for such ship, the Owner and Master shall, for every passenger over and above the number allowed by the certificate, be each liable to a fine not exceeding twenty rupees, and the Master shall further be liable for each of such passengers to imprisonment not exceeding one week: Provided that the total term of imprisonment awarded under this section shall in no case exceed six months.

Penalty for excess of number specified in certificate.

Any officer authorized in this behalf by the Local Government may cause all passengers over and above such number to disembark, and may forward them to any port of British India, and may recover the cost of so forwarding them from the Owner or Master of the ship as if such cost was a fine imposed under this Act, and a certificate under the hand of such officer shall be conclusive evidence of the amount of the cost aforesaid.

37. If any ship bringing Native passengers from any port or place beyond British India, into any port or place in British India, has on board a greater number of passengers than in the proportion prescribed by section nineteen, section

Penalty for bringing Native passengers from Eastern port in excess of authorized proportion.

twenty-two, or section forty-nine (as the case may be), or than the number allowed by the license or certificate (if any) granted in respect of such ship at her port or place of departure, the Owner and Master shall, for every passenger in excess of such proportion or of the number so allowed, be each liable to a fine not exceeding twenty rupees.

38. If the Master of any ship to which this Act

Penalty for landing passenger at a place other than that at which he has contracted to land.

applies lands any passenger at any port or place other than the port or place at which he may have contracted to land, unless with

his previous consent, or unless such landing is made necessary by perils of the sea or other unavoidable accident, the Master shall, for every such offence, be liable to a penalty not exceeding two hundred rupees, or to imprisonment for any term not exceeding a month, or to both.

#### Procedure.

39. All offences against this Act shall be punishable in a summary manner by a Magistrate.

Adjudication of offences.

If the person on whom any fine is imposed under this Act is the Master or Owner of a ship, and the fine is not paid at the time and in the manner prescribed by the order of payment, the Magistrate may, in addition to the ordinary means prescribed by law for enforcing payment, direct by warrant the amount remaining unpaid to be levied by distress and sale of the said ship, her tackle, furniture and apparel.

Fine leviable by distress on ship.

40. For the purpose of the adjudication of penalties under this Act, every offence against its provisions shall be deemed to have been committed within the limits of the jurisdiction of the Magistrate of the place where the offender is found.

Jurisdiction.

41. The penalties to which Masters and Owners of ships are made liable by this Act, shall be enforced only by information laid at the instance of the officers appointed to grant certificates under this Act; or, at any port or place where there is no such officer, at the instance of the Chief Officer of Customs.

42. Any Magistrate imposing any fine under this Act may, if he thinks fit, direct the whole or any part thereof to be applied in compensating any person for any detriment which he may have sustained by the act or default in respect of which such fine is imposed, or in or towards payment of the expenses of the proceedings.

Application of fines.

43. Whenever, in the course of any legal proceeding under this Act, the testimony of any witness is required in relation to the subject-matter of such proceeding, any deposition that he may have previously made in relation to the same subject-matter before any Justice or Magistrate in Her Majesty's dominions (including all parts of India other than those subject to the same Local Government as the port or place where such proceedings are instituted), or any British consular officer elsewhere, shall be admissible in evidence on due proof that such witness cannot be found within the jurisdiction of the Court in which such proceeding is instituted:

Depositions receivable when witnesses cannot be produced.

Provided that such deposition shall not be admissible unless—

(a) it is authenticated by the signature of the Justice, Magistrate, or consular officer ;

(b) it was made in the presence of the person accused, and

(c) the fact that it was so made is certified by the Justice, Magistrate, or consular officer.

It shall not be necessary in any case to prove the signature or official character of the person appearing to have signed any such deposition ; and in any criminal proceeding, such certificate as aforesaid shall, unless the contrary is proved, be sufficient evidence of the accused having been present in manner thereby certified.

## CHAPTER VI.

### MISCELLANEOUS.

44. The Chief Officer of Customs, or the officer (if any) appointed under this Act, at any port or place within British India at which any ship to which this Act applies touches or arrives, shall, with advertence to the provisions herein contained, send any particulars which he may deem important respecting the ship and the passengers conveyed therein, to the officer at the port from which the ship commenced her voyage, and also to the officer at any other port within British India where the passengers or any of them embarked.

And any officer appointed under this Act may at any port or place in British India at which any ship to which this Act applies touches, board such ship and inspect her in order to ascertain whether the provisions of this Act as to the number of passengers and otherwise have been complied with.

45. In any proceeding for the adjudication of any penalty incurred under this Act, any document purporting to be a report of such particulars or a copy of the proceedings of any Court of Justice duly authenticated, and also any like document purporting to be made and signed by any person lawfully exercising consular authority on behalf of Her Majesty in any foreign port, shall be received in evidence, if the same appears to have been officially transmitted to any officer at or near the place where the proceeding under this Act is had.

46. The Governor General in Council may from time to time make rules consistent with this Act, to regulate, in the case of any ship or class of ships to which this Act applies, all or any of the following matters:—

(a) the scale on which provisions, fuel and water are to be supplied to the passengers and the quality of such provisions, fuel and water ;

(b) the medical stores and other appliances and fittings for maintaining health, cleanliness and decency to be provided on board ;

(c) the boats, anchors and cables to be provided on board ;

(d) the instruments for purposes of navigation to be supplied ;

(e) the apparatus for the purpose of extinguishing fires on board and the precautions to be taken to prevent such fires ;

(f) and, generally, to carry out the provisions of this Act.

All such rules shall be published in the *Gazette of India*, and shall thereupon have the force of law.

47. The Local Government shall appoint such persons as it thinks fit to exercise and perform the powers and duties conferred and imposed by this Act.

48. The Governor General in Council may from time to time declare, by notification in the *Gazette of India*, what shall be deemed to be, for the purposes of this Act, "seasons of fair weather" and "seasons of foul weather," and for sailing vessels and steamers respectively, a "long voyage" and a "short voyage."

49. The Governor General in Council may from time to time direct, in the case of any ship or class of ships, and for all or any voyages to which this Act applies, the number of superficial or of cubic feet of space to be contained for the passengers; and such direction shall override the provisions of sections nineteen and twenty-two so far as they apply to such ship or class of ships.

## SCHEDULE.

(See section 4.)

Number and year.	Title.
XXV of 1859 ...	An Act to prevent the overcrowding of Vessels carrying Native Passengers in the Bay of Bengal.
XII of 1870 ...	An Act for the regulation of Native Passenger Ships, and of Steam Vessels intended to convey Passengers on coasting voyages.
XII of 1872 ...	An Act to amend Act XII of 1870 ( <i>The Native Passenger Ships Act</i> ).
Madras Act II of 1862.	An Act to extend the provisions of Act XXV of 1859, entitled An Act to prevent the overcrowding of Vessels carrying Native Passengers in the Bay of Bengal.

WHITLEY STOKES,

Secy. to the Govt. of India.

[Second Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 28th March 1876, and is hereby promulgated for general information :—

## ACT No. IX OF 1876.

*An Act to enable the Government of India to declare certain coins of Native States to be a legal tender in British India.*

WHEREAS it is expedient to enable the Governor General in Council to declare

**Preamble.** that a tender of payment of money, if made in certain coins made for or issued by Native States, shall be a legal tender in British India; It is hereby enacted as follows :—

1. This Act may be called "The Native Coinage Act, 1876":

**Local extent.** It extends to the whole of British India;

**Commencement.** And it shall come into force at once.

2. In this Act "Native State" means any State in India which is under the protection or political control of Her Majesty, or of which the Government shall have acknowledged the supremacy of the British Crown.

3. Subject to the provisions of section four, the Governor General in Council may, from time to time, by notification in the *Gazette of India*, declare that a tender of payment of money, if made in the coins, or the coins of any specified metal, made under this Act for any Native State, shall be a legal tender in British India;

and the provisions of the Indian Coinage Act, 1870, shall apply to the coins to which such notification refers, so far as such provisions are applicable thereto, and save as expressly provided by such notification.

4. The power conferred by the first clause of section three shall be exercisable only when the coins referred to in such notification comply with the following conditions (that is to say)—

- (a) in the case of coins of gold, silver or bronze, their fineness is identical with that for the time being prescribed by law for coins of the Government of India of the same metal;
- (b) in the case of coins whether of gold, silver, bronze or copper, they are identical in weight with some coins of the Government of India of the same metal, which may for the time being be legally coined at any Mint of the Government of India, or bear such relation thereto as is approved by the Governor General in Council;
- (c) the devices upon their obverse and reverse differ from the devices on coins now made or issued by any such Native State, and have been approved by the Governor General in Council;
- (d) upon each of such coins its value in money of the Government of India is inscribed in the English language;

(e) the Native State for which they are coined has undertaken to abstain during a term of not less than thirty years, from the date of the notification, from coining in its own mint gold, silver, bronze or copper, as the case may be, and has also undertaken that no coins resembling coins for the time being a legal tender in British India shall, after the expiration of the said term, be struck under its authority or with its permission at any place within or without its jurisdiction;

(f) such State has formally declared that a tender of payment of money, if made in coins of the Government of India of the same metal shall, in the territories subject to such State, be a legal tender in the cases in which payment made in such coins would, under the law for the time being in force, be a legal tender in British India;

(g) such State has also agreed that the law and rules for the time being in force respecting the cutting and breaking of coin of the Government of India reduced in weight by reasonable wearing or otherwise, or counterfeit, or called in by proclamation, shall apply to the coins made for such State under this Act, and that it will defray the cost of cutting and breaking them; and

(h) such State has also agreed not to issue the same coins below their nominal value, and not to allow any discount or other advantage to any person in order to bring them into circulation.

5. It shall be lawful for any such State to send Native States authorised to send metal to British India mint for coinage. to any mint in British India metal to be made into coin under this Act; and, subject to the Mint-rules for the time being in force, and to the provisions hereinafter contained, the Mint-master shall receive such metal and convert it into coin, provided that it be fit for coinage.

Nothing herein contained shall be deemed to entitle any such State to have coins made under this Act at any Mint of the Government of India of any metal which is not for the time being legally coined at such mint.

6. The Governor General in Council may impose on any metal sent to a mint for coinage under this Act the duty (if any) leviable on the same metal under the Indian Coinage Act, 1870, and also a charge sufficient to defray the expenses of coinage over and above the expenses of assay and refining; and the Mint-master shall coin such metal at the charge so imposed.

7. The Governor General in Council may, from time to time, with reference to the reasonable requirements of the population of any Native State, fix the maximum number of any coins of any particular metal that shall be coined under this Act.

WHITLEY STOKES,  
Secy. to the Govt. of India.



[Second Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 28th March 1876, and is hereby promulgated for general information:—

ACT No. X OF 1876.

## THE BOMBAY REVENUE JURISDICTION ACT, 1876.

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5. Saving of certain suits.
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12. Power to Government to refer questions for decision of High Court.
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16. Privileges of Government in suits in which it is concerned.
17. Revival of Bombay Regulation XVII of 1827, section 13.
- Operation of same Regulation in sites of villages and towns.
- Recovery of certain advances made by Local Government.

#### SCHEDULE.

*An Act to limit the jurisdiction of the Civil Courts throughout the Bombay Presidency in matters relating to the Land-revenue, and for other purposes.*

WHEREAS in certain parts of the Presidency of Bombay, the jurisdiction of the Civil Courts in matters connected with the land-revenue is more extensive than it is in the rest of the said Presidency;

And whereas it is expedient that the jurisdiction of all the Civil Courts in the said Presidency should be limited in manner hereinafter appearing;

And whereas it is also expedient to amend the Bombay Civil Courts Act, section thirty-two, and to revive certain provisions of the thirteenth section of Regulation XVII of 1827 of the Bombay Code, which was repealed by the Land Improvement Act, 1871, and to provide for the recovery by the Local Government of advances made for pur-

poses other than those specified in section three of the Land Improvement Act, 1871;

It is hereby enacted as follows:—

1. This Act may be called  
Short title. "The Bombay Revenue Jurisdiction Act, 1876."

So much of section four as relates to claims to set aside, on the ground of irregularity, mistake or any other ground except fraud, sales for arrears of land-revenue, shall come into force on such day as the Governor General in Council directs in that behalf by notification in the *Gazette of India*. The rest of this Act shall come into force on the passing thereof;

And it shall extend to all the territories for the time being under the government of the Governor of Bombay in Council, but not so as to affect—

(a) any suit regarding the assessment of revenue on land situate in the Collectorate of Bombay, or the collection of such revenue;

(b) any of the provisions of Bombay Acts V of 1862 and VI of 1862, or of Act XV of 1871, or of Act XXIII of 1871;

(c) any suit instituted before the passing of this Act.

2. The enactments mentioned in the schedule hereto annexed are repealed to the extent specified in the third column thereof.

3. In this Act, unless there be something repugnant in the subject or context,—

"Land" includes the sites of villages, towns and cities: it also includes trees, growing crops and grass, fruit upon, and juice in, trees, rights-of-way, ferries, fisheries, and all other benefits to arise out of land, and things attached to the earth, or permanently fastened to things attached to the earth;

"Land-revenue" means all sums and payments, in money or in kind, received or claimable by or on behalf of Government from any person on account of any land held by or vested in him, and any cess or rate authorized by Government under the provisions of any law for the time being in force;

"Revenue officer" means any officer employed in or about the business of the land-revenue, or of the surveys, assessment, accounts or records connected therewith.

4. Subject to the exceptions hereinafter appearing, no Civil Court shall exercise jurisdiction as to any of the following matters:—

(a) claims against Government relating to any property appertaining to the office of any hereditary officer appointed or recognised under Bombay Act No. III of 1874, or any other law for the time being in force, or of any other village-officer or servant, or

claims to perform the duties of any such officer or servant, or in respect of any injury caused by exclusion from such office or service, or

suits to set aside or avoid any order under the same Act or any other law relating to the same subject for the time being in force passed by Government or any officer duly authorized in that behalf, or

claims against Government relating to lands held under treaty, or to lands granted or held as

saranjām, or on other political tenure, or to lands declared by Government or any officer duly authorized in that behalf to be held for service;

(b) objections—

to the amount or incidence of any assessment of land-revenue authorized by Government, or

to the mode of assessment, or to the principle on which such assessment is fixed, or

to the validity or effect of the notification of survey or settlement, or of any notification determining the period of settlement;

(c) claims connected with or arising out of any proceedings for the realization of land-revenue or the rendering of assistance by Government or any officer duly authorized in that behalf to superior holders or occupants for the recovery of their dues from inferior holders or tenants;

claims to set aside on account of irregularity, mistake, or any other ground except fraud, sales for arrears of land-revenue;

(d) claims against Government—

(1) to be entered in the revenue survey or settlement records or village papers as liable for the land-revenue, or as superior holder, inferior holder, occupant or tenant, or

(2) to have any entry made in any record of a revenue survey or settlement, or

(3) to have any such entry either omitted or amended;

(e) the distribution of land or allotment of land-revenue on partition of any estate under Bombay Act IV of 1868, or any other law for the time being in force;

(f) claims against Government—

to hold land wholly or partially free from payment of land-revenue, or

to receive payments charged on or payable out of the land-revenue, or

to set aside any cess or rate authorized by Government under the provisions of any law for the time being in force, or

respecting the occupation of waste or vacant land belonging to Government;

(g) claims regarding boundaries fixed under Bombay Act No. I of 1865, or any other law for the time being in force, or to set aside any order passed by a competent officer under any such law with regard to boundary-marks:

Provided that if any person claim to hold land wholly or partially exempt from payment of land-revenue under—

Provided.

(h) any enactment for the time being in force expressly creating an exemption not before existing in favour of an individual or of any class of persons, or expressly confirming such an exemption on the ground of its being shown in a public record, or of its having existed for a specified term of years, or

(i) an instrument or sanad given by or by order of the Governor or Bombay in Council under Bombay Act No. II of 1863, section one, clause first, or Bombay Act No. VII of 1863, section two, clause first, or

(j) any other written grant by the British Government expressly creating or confirming such exemption, or

(k) a judgment by a Court of law, or an adjudication duly passed by a competent officer under

Bombay Regulation XVII of 1827, chapter X, or under Act No. XI of 1852, which declares the particular property in dispute to be exempt;

such claim shall be cognizable in the Civil Courts.

*Illustrations to (h).*

(1). It is enacted that, in the event of the proprietary right in lands, the property of Government, being transferred to individuals, they shall be permitted to hold the lands for ever at the assessment at which they are transferred. The proprietary right in certain lands is transferred to A at an assessment of Rs. 100. An exemption from higher assessment not before existing is expressly created in favour of A by enactment, and he may seek relief in the Civil Court against over-assessment.

(2). It is enacted that when a specific limit to assessment has been established and preserved, the assessment shall not exceed such specific limit. A is the owner of land worth Rs. 100 for assessment. He claims to be assessed at Rs. 50 only on the strength of a course of dealing with him and his predecessors under which his land has not been more highly assessed. There is no exemption not before existing created by enactment, and A's claim is not cognizable in a Civil Court.

(3). It is enacted that land-revenue shall not be leviable from any land held and entered in the land-registers as exempt. A claims to hold certain land as exempt on the ground that it has been so held by him, and is so entered in the land-register. This is an exemption expressly confirmed by enactment on the ground of its being shown in a public record, and A's claim is cognizable in a Civil Court.

(4). It is enacted that the Collector shall confirm existing exemptions of all lands shown in certain maps to be exempt. A claims exemption alleging that his land is shown in the maps to be exempt. A's claim is cognizable in a Civil Court.

(5). It is enacted that assessment shall be fixed with reference to certain considerations, and not with reference to others. This is not an enactment creating an exemption in favour of any individual or class, and no objection to an assessment under such an enactment is cognizable in a Civil Court.

5. Nothing in section four shall be held to prevent the Civil Courts from entertaining the following suits:—

(a) suits against Government to contest the amount claimed, or paid under protest, or recovered, as land-revenue on the ground that such amount is in excess of the amount authorized in that behalf by Government, or that such amount had previous to such claim, payment, or recovery been satisfied, in whole or in part, or that the plaintiff, or the person whom he represents, is not the person liable for such amount;

(b) suits between private parties for the purpose of establishing any private right, although it may be affected by any entry in any record of a revenue survey or settlement or in any village papers;

(c) suits between superior holders or occupants and inferior holders or tenants regarding the dues claimed or recovered from the latter;

and nothing in section four, clause (g) shall be held to prevent the Civil Courts from entertaining suits, other than suits against Government, for possession of any land being a whole survey number or a recognized share of a survey number.

6. Revenue officers shall not be liable to be sued for damages in any Civil Court for any act *bona fide* done, or ordered to be done, by them as such in pursuance of the provisions of any law for the time being in force.

If any Revenue officer absconds or does not attend when called on by his official superior, and if the Collector of the District proceeds against him or his sureties for public money, papers or

property according to the provisions of any law for the time being in force, such Collector shall not be liable to pay damages or costs in any suit brought against him by such officer or sureties, although it appears that a part only, or no part whatever, of the sum demanded was due from the officer so absconding or failing to attend, or that he was not in possession of the papers or property demanded of him.

**7.** Nothing in any law for the time being in force which authorizes the punishment departmentally of any Revenue officer for any offence or breach of duty, or which sanctions his prosecution criminally for such offence or breach, shall be held to bar any remedy which may be had in the Civil Court against such officer.

**8.** If any act done by a Revenue officer under orders from superior authority subsequently forms the ground of a civil suit against him, he shall appear and answer in such suit as if the act had been done solely by his own authority.

**9.** In every case in which but for the passing of this Act any act or omission of a Revenue officer would have been open to question in a Civil Court, any party aggrieved by such act or omission may, if no other appeal is given by any law for the time being in force, present an appeal, within two months from the date of such act or omission, to the immediate official superior of such officer; and if such official superior be of a grade inferior to that of a Commissioner of Revenue, then the party aggrieved by his decision on appeal may present a further appeal against such decision to the Commissioner of Revenue or such other officer as the Local Government appoints in this behalf.

Such further appeal must be presented within one month from the date of the decision complained of.

Any appeal under this section may be admitted after the period of limitation prescribed therefor when the appellant satisfies the officer appealed to that he had sufficient cause for not presenting the appeal within such period.

In computing any period of limitation so prescribed, the day on which the act, omission or decision complained of took place or was pronounced shall be excluded.

**10.** The Local Government may call for and examine the record of the proceedings on appeal under section nine of any officer for the purpose of satisfying itself as to the legality or propriety of any order passed by him, and may reverse or modify his order, or, if it think fit, may direct that additional evidence be taken, or that the appeal be reheard.

**11.** No Civil Court shall entertain any suit against Government on account of any act or omission of any Revenue officer unless the plaintiff first proves

Suits not to be entertained unless plaintiff has exhausted right of appeal

that, previously to bringing his suit, he has presented all such appeals allowed by the law for the time being in force, as within the period of limitation allowed for bringing such suit, it was possible to present.

**12.** If in the trial or investigation of any suit, claim or objection, which, but for the passing of this Act, might have been tried or investigated by a Civil Court there arises any question on which the Governor General in Council or the Local Government desires to have the decision of the High Court, the Governor General in Council or the Local Government, as the case may be, may cause a statement of the question to be prepared, and may refer such question for the decision of the High Court of Judicature at Bombay.

Power of Government to refer questions for the decision of the High Court.

The said High Court shall fix an early day for the hearing of the question referred, and cause notice of such day to be placed in the Court-house.

The parties to the case may appear and be heard in the High Court in person or by their advocates or pleaders.

The High Court, when it has heard and considered the case, shall send a copy of its decision, with the reasons therefor, under the seal of the Court, to the Government by which the reference was made, and subject to any appeal which may be presented to Her Majesty in Council, the case shall be disposed of conformably to such decision.

If the High Court considers that any such statement is imperfectly framed, the High Court may return it for amendment.

The costs (if any) consequent on any such reference shall be dealt with as the High Court in each case directs.

**13.** If in any suit instituted, or in any appeal presented in a Civil Court, the Judge doubts whether he is precluded by this Act from taking cognizance of the suit or appeal, he may refer the matter to the High Court.

Power of Civil Judge to refer questions of jurisdiction to High Court.

The High Court may order the Judge making the reference either to proceed with the case or to return the plaint.

The order of the High Court on any such reference shall be subject to appeal to Her Majesty in Council, and save as aforesaid, shall be final.

**14.** Every reference under section twelve or section thirteen shall be heard by a Bench consisting of such number of Judges not less than three, as the Chief Justice from time to time directs.

**15.** For section thirty-two of the Bombay Civil Courts Act, No. XIV of 1869, the following shall be substituted (namely): "No Subordinate Judge or Court of Small Causes shall receive or register a suit in which the Government or any officer of Government in his official capacity is a party, but in every such case such Judge or Court shall refer the plaintiff to the District Judge, in whose Court alone (subject to the provisions of section nineteen) such suit shall be instituted."

Amendment of section 32 of Bombay Civil Courts Act.

Privileges of Government in suits in which it is concerned.

**16.** Whenever any suit is brought in any District Court against Government, or against any Revenue officer, and the Local Government undertakes the defence thereof,



it shall be lawful for the Local Government, by certificate signed by a Secretary thereto, to require—

(a) that such suit shall be tried by the District Judge himself, and shall not be transferred for trial to an Assistant Judge; and

(b) that the trial of any such suit shall have precedence over the trial of any other suit or other civil proceeding then pending in such Court; and the Court shall give effect to every such requirement.

The privilege conferred on the Local Government by the clause (b) of this section shall, *mutatis mutandis*, apply to any appeal or special appeal against any decree in any such suit as is described in this section.

#### 17. Notwithstanding any repeal effected by the

Revival of Bombay Land Improvement Act, Regulation XVII of 1871, arrears of land-revenue 1827, section 13.

of former years shall be recoverable by the Collector in the same way as current land-revenue, except that the preference given to demands for current land-revenue, as specified in section five of Bombay Regulation XVII of 1827, shall not extend to demands on account of the arrears for former years.

So much of the said Regulation as is for the

Operation of same time being in force in any Regulation in sites of part of the territories to which villages and towns.

this Act extends shall be deemed to be in force and to have always been in force in the sites of all villages, towns and cities in such part.

All advances made by the Local Government for

Recovery of certain purposes other than those advances made by Local specified in the Land Improvement Act, 1871, section

four, may be recovered from the persons to whom such advances are made as if they were arrears of land-revenue.

#### SCHEDULE.

(See section 2.)

#### ACTS OF THE GOVERNOR GENERAL IN COUNCIL.

Number and year.	Title or abbreviated Title.	Extent of repeal.
XVI of 1838 ...	Suits, Bombay ...	In section 1, the words "or of the wuttuns of hereditary district or village officers."
X of 1848 ...	An Act for annexing the lapsed State of Mandvi to the Presidency of Bombay.	So much of section 2 as is not repealed.
XI of 1852 ...	An Act for the adjudication of titles to certain estates claimed to be wholly or partially rent-free in the Presidency of Bombay.	Section 7.
VIII of 1853 ...	An Act for bringing the lapsed State of Colaba under the laws of the Presidency of Bombay.	So much of section 2 as is not repealed.

#### ACTS OF THE GOVERNOR OF BOMBAY IN COUNCIL.

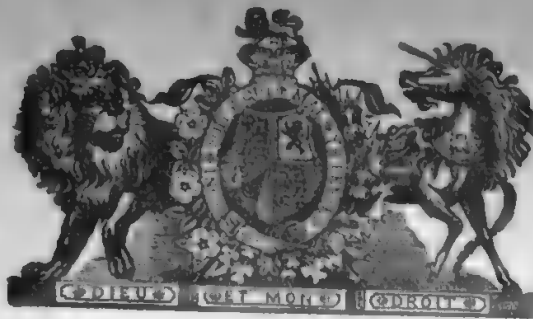
Number and year.	Title or abbreviated Title.	Extent of repeal.
II of 1863 ...	An Act to facilitate the adjustment of unsettled claims to exemption from the payment of land-revenue, &c.	Section 13, from and including the words "it shall not" down to and including the words "is concerned." Section 14.
III of 1863 ...	An Act for bringing under the Regulations and Acts of the Presidency of Bombay the territories of Sattara, certain villages and lapsed States in the Collectorate of Sholapoor, &c.	Section 3.
VII of 1863 ...	An Act for the summary settlement of claims to exemption from the payment of Government land-revenue, &c.	Section 2, Clause 4. Section 28, from and including the words "it shall not" down to and including the words "the said Act." Section 29.
I of 1865 ...	An Act to provide for the survey, demarcation, assessment, and administration of lands held under Government in the districts belonging to the Presidency of Bombay, &c.	The proviso to section 14.
II of 1866 ...	An Act to divest Courts of Revenue of jurisdiction in certain cases, &c.	So much as has not been repealed.
XIV of 1866 ...	An Act to bring the Pergunnas of Edulabad and Wurrungaom under the general Regulations and Acts of the Presidency of Bombay.	Section 2.
II of 1871 ...	An Act for imposing duties on the non-agricultural classes, &c.	Section 17, from and including the words "and no suit" to the end.

#### BOMBAY REGULATIONS.

Number and year.	Title or abbreviated Title.	Extent of repeal.
XVI of 1827 ...	A Regulation defining the duties of the Collector, and his powers, &c.	Section 6. Section 11, clause 5. Section 14, clause 4. Section 27, clause 3.

BOMBAY REGULATIONS,— <i>continued</i> .			BOMBAY REGULATIONS,— <i>concluded</i> .		
Number and year.	Title or abbreviated Title.	Extent of repeal.	Number and year.	Title or abbreviated Title.	Extent of repeal.
XVII of 1827 ...	A Regulation for the territories subordinate to Bombay, prescribing Rules for the assessment and realization of the land-revenue, &c.	Section 9. Section 16, clause 5.	V of 1830 ...	A Regulation providing for the appointment of a Revenue Commissioner, &c.	Section 1, clause 6, from the words "But if any act" to the end.
XXIX of 1827 ...	A Regulation for bringing under the operation of the Regulations the Bombay territories in the Dekkhan and Khândesh.	So much of section 6 as is not repealed.	VII of 1830 ...	A Regulation for bringing under the operation of the Regulations the Territories comprised in the Southern Mahratta Country, &c.	So much of section 2 as makes section 6 of Regulation XXIX of 1827 applicable to the Territories comprised in the Southern Mahratta Country.

WHITLEY STOKES,  
Secy. to the Govt. of India.



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Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

### LEGISLATIVE DEPARTMENT.

[ Third Publication. ]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 28th March 1876, and is hereby promulgated for general information :—

ACT No VIII OF 1876.

### THE NATIVE PASSENGER SHIPS ACT, 1876.

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## SCHEDULE.

## An Act to consolidate and amend the law relating to Native Passenger Ships.

WHEREAS it is expedient to consolidate and amend the law relating to Native Passenger Ships; It is hereby enacted as follows:—

## CHAPTER I.

## PRELIMINARY.

1. This Act may be called "The Native Passenger Ships Act, 1876."
2. It extends to the whole of British India, and applies—  
Extent and applica- (a) to all subjects of Her Majesty within the dominions of Princes and States in India in alliance with Her Majesty;  
tion of Act. (b) to all Native Indian subjects of Her Majesty without and beyond British India; and,  
(c) subject to the exceptions mentioned in the subsequent part of this section, to vessels carrying more than thirty passengers, being Natives of Asia or Africa.  
Nothing herein contained applies—  
(d) to any Ship-of-War or Transport belonging to, or in the service of, Her Majesty;  
(e) to any Ship-of-War belonging to any Foreign Prince or State;  
(f) to any sailing-vessel not carrying as passengers more than thirty Natives of Asia or Africa;  
(g) to any steamer not carrying as passengers more than sixty of such Natives;  
(h) to any sailing-vessel or steamer not intended to convey passengers to or from any port in British India.
3. This Act shall come into force on such day as the Governor General in Council directs by notification in the *Gazette of India*.
4. On and from that day the Acts specified in the Schedule hereto annexed shall be repealed.  
Repeal of Acts.  
But all ports, places and officers appointed, and all certificates granted, under any of such Acts, shall be deemed to be respectively appointed and granted under this Act;  
and the last clause of section one of Act No. II of 1860 (to amend the law relating to the Carriage of Passengers by Sea) shall be read as follows:—  
"Voyages from ports in British India to ports in the Red Sea or Persian Gulf, under the Native Passenger Ships Act, 1876."
5. In this Act—  
Interpretation-clause. the expression "Magistrate" means a person exercising powers not inferior to those of a Magistrate of the second class, and includes a Justice of

the Peace, and, at the Port of Aden, the Political Resident and his Assistants :

the expression "ship" includes every description of vessel used in navigation not propelled by oars :

"Ship."

the expression "Master" includes every person (other than a pilot) having command or charge of a ship :

"Master."

the expression "Passenger" means a person above the age of twelve years, or two persons between the ages of one year and twelve years; but it does not include a person in attendance on another person who is not a Native of Asia or Africa, nor a child under one year of age :

"Passenger."

the expression "voyage" means the whole distance between the ship's port of departure and her final port of arrival :

"Voyage."

the expression "long voyage" means any voyage during which the ship performing it will under ordinary circumstances be one hundred and twenty hours or upwards continuously out of port :

"Long voyage."

the expression "short voyage" means any voyage during which the ship performing it will never under ordinary circumstances be one hundred and twenty hours continuously out of port :

"Short voyage."

#### Illustration.

A ship starts from port A, and is destined finally to arrive at port B, between which ports the ordinary distance is ten days : but she is to touch at four intermediate ports, no one of which is under ordinary circumstances more than five days from the next one. This is a short voyage.

the expression "Chief Officer of Customs" means the executive officer of highest rank in the Department of Customs in any port to which this Act applies.

"Chief Officer of Customs."

## CHAPTER II.

### RULES FOR ALL VOYAGES.

6. No ship carrying passengers shall depart Ship to sail only from or proceed from, or shall discharge passengers at, any port or place within British India other than such ports and places as the Local Government may from time to time appoint in this behalf ;

and after any ship has departed or proceeded upon any voyage from a port or place so appointed, no person shall be received on board as a passenger, except at some other port or place so appointed.

7. The master, owner or agent of every ship so departing or proceeding shall give notice to an officer authorized in this behalf by the Local Government that the ship is to carry Native passengers, and of her destination, and of the proposed time of sailing.

Such notice shall be given not less than twenty-four hours before such time.

8. After receiving such notice, the officer aforesaid, or any person authorized by him, shall be at liberty at all times to enter and inspect the ship and the fittings, provisions and stores therein.

Power to enter and inspect ship.

9. No ship intended to carry passengers shall commence any voyage from any port or place appointed under this Act, unless the Master holds two certificates to the effect hereinafter mentioned.

Not to sail without two certificates.

And the officer of Government whose duty it is to grant a port-clearance for such ship shall not grant the same unless the Master holds such certificates.

Port-clearance.

10. The first of such certificates (hereinafter called 'certificate A') shall state that the ship is seaworthy and properly equipped, fitted and ventilated ; and the number of passengers that she is capable of carrying.

Contents of certificate B.

11. The second of such certificates (hereinafter called 'certificate B') shall state—

(a) the voyage which the ship is intended to make, and the intermediate ports (if any) at which she is intended to touch ;

(b) that she has the proper complement of officers and seamen ;

(c) that provisions, fuel and pure water, over and above what is necessary for the crew, and the other things (if any) prescribed for the ship by rule under section forty-six, have been placed on board, of the quality prescribed by rule under the same section, properly packed, and sufficient to supply the passengers on board during the declared duration of the intended voyage, according to the scale for the time being prescribed by rule under the same section ;

(d) that the Master holds certificate A ;

(e) if she is intended to make a short voyage in a season of foul weather, and to carry upper-deck passengers, that she is furnished with substantial bulwarks and a double awning or other sufficient protection against the weather ;

(f) such other particulars (if any) as may for the time being be required for such ship under this Act.

12. The person by whom certificate B is to be granted shall in all cases be the officer referred to in section seven.

13. The person by whom certificate A is to be granted shall be the officer aforesaid, except that, if the Master of a ship produce to such officer either of the following certificates (namely)—

Grant of certificate A.

(a) a valid certificate granted by the Board of Trade or by any British Colonial Government ;

(b) a certificate granted under the authority of any British Indian Government, and dated not more than six months before the proposed day of sailing,

and if the particulars required by section ten are certified thereby,

such officer may take any such certificate as evidence of such particulars, and it shall then be a valid certificate for the purposes of this Act.

14. After receiving the notice required by section seven, the officer aforesaid may, if he think fit, cause the ship to be surveyed at the expense of the master or owner by competent surveyors, who shall report to him whether the ship is, in their opinion, seaworthy and properly equipped, fitted and ventilated for her intended voyage:

Provided that he shall not cause any ship holding any certificate mentioned in section thirteen, clause (a) or clause (b), to be surveyed unless, from the ship having met with damage or having undergone alterations, or on other reasonable ground, he considers it likely that she may be found unseaworthy or not properly equipped, fitted or ventilated for her intended voyage.

If the officer aforesaid causes a survey to be made of any vessel holding any such certificate, and if the surveyors report that the vessel is seaworthy and properly equipped, fitted and ventilated for her intended voyage, and that there was no reasonable ground why the officer aforesaid should have thought it likely that she would be found unseaworthy, or not properly equipped, fitted or ventilated for her intended voyage, the expense of the survey shall be paid by the Local Government.

15. The officer authorized to grant a certificate under this Act, in respect of any ship, shall not grant the same, unless he is satisfied that she has not on board any cargo likely from its quality, quantity, or mode of stowage, to prejudice the health or safety of the passengers.

But save as aforesaid, and subject to the provisions of section sixteen, the grant or withholding of a certificate under this chapter shall in all cases be in the discretion of the officer aforesaid.

16. In the exercise of such discretion such officer shall be subject to the control of the Local Government, or of any intermediate authority which that Government may from time to time appoint in this behalf.

17. The Owner or Master shall put up in a conspicuous part of the ship, so as to be visible to persons on board the same, a copy of each of the said certificates granted by an officer appointed under this Act in respect of the ship, and shall keep such copies in such position during the voyage.

18. The requirements of this Act respecting the supply of provisions for passengers shall not, except as to the supply of water, be applicable to any passenger who has contracted

to furnish his own provisions, and who has, in the opinion of such officer as the Local Government appoints in this behalf, actually furnished such provisions of the quality and to the amount for the time being prescribed by rules made under section forty-six.

### CHAPTER III.

#### RULES FOR SHORT VOYAGES.

19. For seasons of fair weather, every ship performing a short voyage shall contain in the between-decks at least six superficial feet and thirty-six cubic feet of space for every intermediate or between-decks passenger, and shall contain on the upper-deck at least four superficial feet for each such passenger and six superficial feet for each upper-deck passenger.

For seasons of foul weather, every ship propelled by sails and performing a short voyage shall contain in the between-decks at least twelve superficial feet and seventy-two cubic feet of space for every intermediate or between-decks passenger, and shall contain on the upper-deck at least four superficial feet for each such passenger and twelve superficial feet for each upper-deck passenger.

For seasons of foul weather, every ship propelled by steam, or partly by steam and partly by sails, and performing a short voyage, shall contain in the between-decks at least nine superficial feet and fifty-four cubic feet of space for every intermediate or between-decks passenger, and shall contain on the upper-deck at least four superficial feet for each such passenger and nine superficial feet for each upper-deck passenger.

But in such seasons no ship shall carry upper-deck passengers unless she is furnished with substantial bulwarks and a double awning or other sufficient protection against the weather.

20. If any ship performing a short voyage takes any additional passengers on board at any intermediate port, the Master shall obtain a supplementary certificate from the proper officer at such port, stating—

(a) the number of passengers so taken on board, and

(b) that provisions, fuel, and pure water (over and above what is necessary for the crew, and the other things, if any, prescribed for the ship by rule under section forty-six) have been placed on board, of the quality prescribed by rule under the same section, properly packed, and sufficient to supply the total number of passengers on board during the declared duration of the intended voyage, according to the scale for the time being prescribed by rule under the same section.

Provided that, if the certificate B held by the Master of such ship states that provisions, fuel and pure water, over and above what is necessary for the crew, and the other things, if any, prescribed for her by rule under section forty-six, have been placed on board, of the quality prescribed by rule under the same section, properly packed, and sufficient to supply the full number of passengers that she is capable of carrying, the Master shall not be bound to obtain any such supplementary certificate.



21. When the ship reaches her final port of arrival, the Master shall notify to such officer as the Governor General in Council may appoint in this behalf, the date and supposed cause of death of every passenger dying on the voyage.

## CHAPTER IV.

## RULES FOR LONG VOYAGES.

22. Every ship propelled by sails and performing a long voyage shall contain in the between-decks at least twelve superficial feet and seventy-two cubic feet of space for every passenger.

Every ship propelled by steam, or partly by steam and partly by sails, and performing a long voyage, shall contain in the between-decks at least nine superficial feet and fifty-four cubic feet of space for every passenger.

23. The Master of every such ship, before departing or proceeding on any long voyage from any port or place in British India, shall sign two statements, specifying the number and the respective sexes of all the passengers, and stating the number of the crew; and shall deliver them to the officer last aforesaid, who shall thereupon (after having first satisfied himself that the numbers are correct) countersign and return to the Master one of such statements.

24. The Master shall note in writing on such last-mentioned statement, and on any additional statement to be made under the next following section, the date and supposed cause of death of any passenger who may die on the voyage, and shall forthwith, on the arrival of the ship at her destination or at any port at which it may be intended to land passengers, and before any passengers are landed, produce the statement, with any additions thereto made, to any person lawfully exercising Consular authority on behalf of Her Majesty at the port of arrival if it be a foreign port, or to the Chief Officer of Customs, or the officer (if any) appointed under this Act to receive such statements, at any port or place at which it is intended to land the passengers or any of them.

25. If, after the ship has departed or proceeded on any long voyage, any passengers are taken on board at a port or place within British India appointed under this Act for the embarkation of passengers,

or if such ship upon her voyage touch or arrive at any such port, having previously received on board additional passengers at any place without British India,

the Master shall obtain a fresh certificate to the effect of certificate B from the proper officer at such port, and shall make additional statements specifying the number and the respective sexes of all such additional passengers;

and all the provisions hereinbefore contained in that behalf shall be applicable to any certificate granted or statement made under this section.

26. In the case of every ship sailing from any port within British India to any port in the Red Sea, the officer whose duty it is to grant a port-clearance for any such ship shall not

grant such clearance unless and until the owner, agent, or master of such ship and two sureties resident in British India have by a joint and several bond become bound unto the Secretary of State for India in Council in the penal sum of five thousand rupees for the purpose of binding the ship to touch at Aden on the outward voyage, and there to obtain a clean bill of health, and to do the same on the homeward voyage if she continue (being propelled by sails) to carry more than thirty passengers, or (being propelled by steam or partly by steam and partly by sails) to carry more than sixty passengers.

27. Every ship carrying more than thirty passengers being Natives of Ships sailing to or from port in Red Sea to Asia or Africa, and sailing touch at Aden. from any port in British India to any port in the Red Sea, or sailing from any port in the Red Sea to any port in British India, shall touch at Aden, and shall not leave that port without having obtained from the proper authority a clean bill of health.

28. No bill of health shall be granted under section twenty-six or section twenty-seven in case the ship has on board a greater number of passengers than in the proportion prescribed for her by this Act.

## CHAPTER V.

## PENALTIES.

29. If any ship departs or proceeds upon a voyage from, or discharges passengers at, any port or place within British India in contravention of the provisions of section six or section nine,

or if any person is received as a passenger on board a ship in contravention of the provisions of the second clause of section six,

the Owner or Master shall, for every passenger conveyed in such ship, or for every passenger so discharged or received on board, be liable to a penalty not exceeding one hundred rupees, or to imprisonment not exceeding one month, or to both;

and the ship, if found within two years in any port within British India, may be seized and detained by any Chief Officer of Customs until the penalties incurred under this Act by her owner or Master have been adjudicated, and the payment of the fines imposed on him under this Act, with all costs, has been enforced, under the provisions hereinafter contained.

30. Any person impeding or refusing to allow the entry or inspection authorized under this Act shall be liable to a fine not exceeding five hundred rupees for each offence, or to imprisonment for a term not exceeding three months, or to both.

31. Any Owner or Master wilfully failing to comply with the requirements of section seventeen, as to copies of certificates, shall, for every such failure, be liable to fine not exceeding two hundred rupees, or to imprisonment for any term not exceeding a month, or to both.

32. Any Master failing to comply with any of the requirements of section twenty-three or section twenty-four, as to the statement of passengers,

or wilfully making any false entry or note in or on any such statement,

or wilfully failing to obtain any such supplementary certificate as is mentioned in section twenty, or to report deaths as required by section twenty-one,

Penalty for failing to obtain fresh certificate for additional passengers taken.

or to obtain any such fresh certificate, or to make any such statement of the number of additional passengers, as is mentioned in section twenty five, shall be liable to a fine not exceeding five hundred rupees for every such offence, or to imprisonment for a term not exceeding three months, or to both.

33. Any Master who, after having obtained any of the certificates mentioned in section nine or section twenty, or section twenty-five, fraudulently does or suffers to be done anything whereby such certificate becomes inapplicable to the altered state of the ship, her passengers, or other matters to which such certificate relates, shall be liable to a fine not exceeding two thousand rupees, or to imprisonment not exceeding six months, or to both.

Penalty for fraudulent alteration in ship after certificate obtained.

34. Any Master wilfully, and without satisfactory excuse, omitting to supply to any passenger the allowance of food, fuel and water prescribed by rule made under this Act and for the time being in force, shall be liable to a fine not exceeding twenty rupees for every passenger who has sustained detriment by such omission.

Penalty for failing to supply passengers with prescribed provisions.

35. The Master of any ship described in section twenty-seven, who wilfully fails to touch at Aden, or leaves that port without having obtained the bill of health therein mentioned, shall, for every such offence, be liable to a fine not exceeding two thousand rupees, or to imprisonment not exceeding six months, or to both.

Penalty for not obtaining bill of health.

36. If any ship has on board any number of passengers which, having regard to the time of the year and other circumstances, is greater than the number allowed by the certificate, or, if arriving from a port where no certificate could be procured, has on board a number of passengers exceeding the number allowed by this Act for such ship, the Owner and Master shall, for every passenger over and above the number allowed by the certificate, be each liable to a fine not exceeding twenty rupees, and the Master shall further be liable for each of such passengers to imprisonment not exceeding one week: Provided that the total term of imprisonment awarded under this section shall in no case exceed six months.

Penalty for excess of number specified in certificate.

Any officer authorized in this behalf by the Local Government may cause all passengers over and above such number to disembark, and may forward them to any port of British India, and may recover the cost of so forwarding them from the Owner or Master of the ship as if such cost was a fine imposed under this Act, and a certificate under the hand of such officer shall be conclusive evidence of the amount of the cost aforesaid.

37. If any ship bringing Native passengers from any port or place beyond British India, into any port or place in British India, has on board a greater number of passengers than in the

Penalty for bringing Native passengers from Eastern port in excess of authorized proportion.

twenty-two, or section forty-nine (as the case may be), or than the number allowed by the license or certificate (if any) granted in respect of such ship at her port or place of departure, the Owner and Master shall, for every passenger in excess of such proportion or of the number so allowed, be each liable to a fine not exceeding twenty rupees.

38. If the Master of any ship to which this Act applies lands any passenger at any port or place other than the port or place at which he may have contracted to land, unless with

Penalty for landing passenger at a place other than that at which he has contracted to land.

his previous consent, or unless such landing is made necessary by perils of the sea or other unavoidable accident, the Master shall, for every such offence, be liable to a penalty not exceeding two hundred rupees, or to imprisonment for any term not exceeding a month, or to both.

#### Procedure.

39. All offences against this Act shall be punishable in a summary manner by a Magistrate.

Adjudication of offences.

If the person on whom any fine is imposed under this Act is the Master or Owner of a ship, and the fine is not paid at the time and in the manner prescribed by the order of payment, the Magistrate may, in addition to the ordinary means prescribed by law for enforcing payment, direct by warrant the amount remaining unpaid to be levied by distress and sale of the said ship, her tackle, furniture and apparel.

Fine leviable by distress on ship.

40. For the purpose of the adjudication of penalties under this Act, every offence against its provisions shall be deemed to have been committed within the limits of the jurisdiction of the Magistrate of the place where the offender is found.

Jurisdiction.

41. The penalties to which Masters and Owners of ships are made liable by this Act, shall be enforced only by information laid at the instance of the officers appointed to grant certificates under this Act; or, at any port or place where there is no such officer, at the instance of the Chief Officer of Customs.

By whom proceedings for penalties to be instituted.

42. Any Magistrate imposing any fine under this Act may, if he thinks fit, direct the whole or any part thereof to be applied in compensating any person for any detriment which he may have sustained by the act or default in respect of which such fine is imposed, or in or towards payment of the expenses of the proceedings.

Application of fines.

43. Whenever, in the course of any legal proceeding under this Act, the testimony of any witness is required in relation to the subject-matter of such proceeding, any deposition that he may have previously made in relation to the same subject-matter before any Justice or Magistrate in Her Majesty's dominions (including all parts of India other than those subject to the same Local Government as the port or place where such proceedings are instituted), or any British consular officer elsewhere, shall be admissible in evidence on due proof that such witness cannot be found within the jurisdiction of the Court in which such proceeding is instituted:

Depositions receivable when witnesses cannot be produced.

Provided that such deposition shall not be admissible unless—

(a) it is authenticated by the signature of the Justice, Magistrate, or consular officer ;

(b) it was made in the presence of the person accused, and

(c) the fact that it was so made is certified by the Justice, Magistrate, or consular officer.

It shall not be necessary in any case to prove the signature or official character of the person appearing to have signed any such deposition ; and in any criminal proceeding, such certificate as aforesaid shall, unless the contrary is proved, be sufficient evidence of the accused having been present in manner thereby certified.

## CHAPTER VI.

### MISCELLANEOUS.

44. The Chief Officer of Customs, or the officer (if any) appointed under this Act, at any port or place within British India at which any ship to which this Act applies touches or arrives, shall, with advertence to the provisions herein contained, send any particulars which he may deem important respecting the ship and the passengers conveyed therein, to the officer at the port from which the ship commenced her voyage, and also to the officer at any other port within British India where the passengers or any of them embarked.

And any officer appointed under this Act may at any port or place in British India at which any ship to which this Act applies touches, board such ship and inspect her in order to ascertain whether the provisions of this Act as to the number of passengers and otherwise have been complied with.

45. In any proceeding for the adjudication of any penalty incurred under this Act, any document purporting to be a report of such particulars or a copy of the proceedings of any Court of Justice duly authenticated, and also any like document purporting to be made and signed by any person lawfully exercising consular authority on behalf of Her Majesty in any foreign port, shall be received in evidence, if the same appears to have been officially transmitted to any officer at or near the place where the proceeding under this Act is had.

46. The Governor General in Council may from time to time make rules consistent with this Act, to regulate, in the case of any ship or class of ships to which this Act applies, all or any of the following matters:—

(a) the scale on which provisions, fuel and water are to be supplied to the passengers and the quality of such provisions, fuel and water ;

(b) the medical stores and other appliances and fittings for maintaining health, cleanliness and decency to be provided on board ;

(c) the boats, anchors and cables to be provided on board ;

(d) the instruments for purposes of navigation to be supplied ;

(e) the apparatus for the purpose of extinguishing fires on board and the precautions to be taken to prevent such fires ;

(f) and, generally, to carry out the provisions of this Act.

All such rules shall be published in the *Gazette of India*, and shall thereupon have the force of law.

47. The Local Government shall appoint such persons as it thinks fit to exercise and perform the powers and duties conferred and imposed by this Act.

48. The Governor General in Council may from time to time declare, by notification in the *Gazette of India*, what shall be deemed to be, for the purposes of this Act, "seasons of fair weather" and "seasons of foul weather," and for sailing vessels and steamers respectively, a "long voyage" and a "short voyage."

49. The Governor General in Council may from time to time direct, in the case of any ship or class of ships, and for all or any voyages to which this Act applies, the number of superficial or of cubic feet of space to be contained for the passengers; and such direction shall override the provisions of sections nineteen and twenty-two so far as they apply to such ship or class of ships.

## SCHEDULE.

(See section 4.)

Number and year.	Title.
XXV of 1859 ...	An Act to prevent the overcrowding of Vessels carrying Native Passengers in the Bay of Bengal.
XII of 1870 ...	An Act for the regulation of Native Passenger Ships, and of Steam Vessels intended to convey Passengers on coasting voyages.
XII of 1872 ...	An Act to amend Act XII of 1870 ( <i>The Native Passenger Ships Act</i> ).
Madras Act II of 1862.	An Act to extend the provisions of Act XXV of 1859, entitled An Act to prevent the overcrowding of Vessels carrying Native Passengers in the Bay of Bengal.

WHITLEY STOKES,

Secy. to the Govt. of India.



(Third Publication.)

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 28th March 1876, and is hereby promulgated for general information :—

Act No. IX of 1876.

*An Act to enable the Government of India to declare certain coins of Native States to be a legal tender in British India.*

WHEREAS it is expedient to enable the Governor

**Preamble.** General in Council to declare that a tender of payment of money, if made in certain coins made for or issued by Native States, shall be a legal tender in British India; It is hereby enacted as follows :—

1. This Act may be called "The Native Coinage Act, 1876":

**Local extent.** It extends to the whole of British India;

**Commencement.** And it shall come into force at once.

2. In this Act "Native State" means any State in India which is under the protection or political control of Her Majesty, or of which the Government shall have acknowledged the supremacy of the British Crown.

3. Subject to the provisions of section four, the Governor General in Council may, from time to time, by notification in the *Gazette of India*, declare that a tender of payment of money, if made in the coins, or the coins of any specified metal, made under this Act for any Native State, shall be a legal tender in British India;

and the provisions of the Indian Coinage Act, 1870, shall apply to the coins to which such notification refers, so far as such provisions are applicable thereto, and save as expressly provided by such notification.

4. The power conferred by the first clause of section three shall be exercisable only when the coins referred to in such notification comply with the following conditions (that is to say)—

in the case of coins of gold, silver or bronze,

(a) their fineness is identical with that for the time being prescribed by law for coins of the Government of India of the same metal;

in the case of coins whether of gold, silver, bronze or copper,

(b) they are identical in weight with some coins of the Government of India of the same metal, which may for the time being be legally coined at any Mint of the Government of India, or bear such relation thereto as is approved by the Governor General in Council;

(c) the devices upon their obverse and reverse differ from the devices on coins now made or issued by any such Native State, and have been approved by the Governor General in Council;

(d) upon each of such coins its value in money of the Government of India is inscribed in the English language;

(e) the Native State for which they are coined has undertaken to abstain during a term of not less than thirty years, from the date of the notification, from coining in its own mint gold, silver, bronze or copper, as the case may be, and has also undertaken that no coins resembling coins for the time being a legal tender in British India shall, after the expiration of the said term, be struck under its authority or with its permission at any place within or without its jurisdiction;

(f) such State has formally declared that a tender of payment of money, if made in coins of the Government of India of the same metal shall, in the territories subject to such State, be a legal tender in the cases in which payment made in such coins would, under the law for the time being in force, be a legal tender in British India;

(g) such State has also agreed that the law and rules for the time being in force respecting the cutting and breaking of coin of the Government of India reduced in weight by reasonable wearing or otherwise, or counterfeit, or called in by proclamation, shall apply to the coins made for such State under this Act, and that it will defray the cost of cutting and breaking them; and

(h) such State has also agreed not to issue the same coins below their nominal value, and not to allow any discount or other advantage to any person in order to bring them into circulation.

5. It shall be lawful for any such State to send Native States authorised to send metal to British India mint for coinage. to any mint in British India metal to be made into coin under this Act; and, subject to the Mint-rules for the time being in force, and to the provisions hereinafter contained, the Mint-master shall receive such metal and convert it into coin, provided that it be fit for coinage.

Nothing herein contained shall be deemed to entitle any such State to have coins made under this Act at any Mint of the Government of India of any metal which is not for the time being legally coined at such mint.

6. The Governor General in Council may impose on any metal sent to a mint for coinage under this Act the duty (if any) leviable on the same metal under the Indian Coinage Act, 1870, and also a charge sufficient to defray the expenses of coinage over and above the expenses of assay and refining; and the Mint-master shall coin such metal at the charge so imposed.

7. The Governor General in Council may, from time to time, with reference to the reasonable requirements of the population of any Native State, fix the maximum number of any coins of any particular metal that shall be coined under this Act.

WHITLEY STOKES,  
Secy. to the Govt. of India.

[Third Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 28th March 1876, and is hereby promulgated for general information :—

ACT No. X of 1876.

## THE BOMBAY REVENUE JURISDICTION ACT, 1876.

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16. Privileges of Government in suits in which it is concerned.
17. Revival of Bombay Regulation XVII of 1827, section 13.  
Operation of same Regulation in sites of villages and towns.  
Recovery of certain advances made by Local Government.

#### SCHEDULE.

*An Act to limit the jurisdiction of the Civil Courts throughout the Bombay Presidency in matters relating to the Land-revenue, and for other purposes.*

WHEREAS in certain parts of the Presidency of Bombay, the jurisdiction of the Civil Courts in matters connected with the land-revenue is more extensive than it is in the rest of the said Presidency;

#### Preamble.

And whereas it is expedient that the jurisdiction of all the Civil Courts in the said Presidency should be limited in manner hereinafter appearing;

And whereas it is also expedient to amend the Bombay Civil Courts Act, section thirty-two, and to revive certain provisions of the thirteenth section of Regulation XVII of 1827 of the Bombay Code, which was repealed by the Land Improvement Act, 1871, and to provide for the recovery by the Local Government of advances made for pur-

poses other than those specified in section three of the Land Improvement Act, 1871;

It is hereby enacted as follows :—

#### Short title.

1. This Act may be called "The Bombay Revenue Jurisdiction Act, 1876."

So much of section four as relates to claims to set aside, on the ground of irregularity, mistake or any

#### Commencement.

other ground except fraud, sales for arrears of land-revenue, shall come into force on such day as the Governor General in Council directs in that behalf by notification in the *Gazette of India*. The rest of this Act shall come into force on the passing thereof;

And it shall extend to all the territories for the time being under the government of the Governor of Bombay in Council, but not so as to affect—

#### Extent.

(a) any suit regarding the assessment of revenue on land situate in the Collectorate of Bombay, or the collection of such revenue;

(b) any of the provisions of Bombay Acts V of 1862 and VI of 1862, or of Act XV of 1871, or of Act XXIII of 1871;

(c) any suit instituted before the passing of this Act.

2. The enactments mentioned in the schedule hereto annexed are repealed to the extent specified in the third column thereof.

3. In this Act, unless there be something repugnant in the subject or context,—

#### Interpretation-clause.

"Land" includes the sites of villages, towns and cities: it also includes trees, growing crops and grass, fruit upon, and juice in, trees, rights-of-way, ferries, fisheries, and all other benefits to arise out of land, and things attached to the earth, or permanently fastened to things attached to the earth:

"Land-revenue" means all sums and payments, in money or in kind, received or claimable by or on behalf of Government from any person on account of any land held by or vested in him, and any cess or rate authorized by Government under the provisions of any law for the time being in force:

"Revenue officer" means any officer employed in or about the business of the land-revenue, or of the surveys, assessment, accounts or records connected therewith.

4. Subject to the exceptions hereinafter appearing, no Civil Court shall exercise jurisdiction as to any

#### Bar of certain suits.

of the following matters :—

(a) claims against Government relating to any property appertaining to the office of any hereditary officer appointed or recognised under Bombay Act No. III of 1874, or any other law for the time being in force, or of any other village-officer or servant, or

claims to perform the duties of any such officer or servant, or in respect of any injury caused by exclusion from such office or service, or

suits to set aside or avoid any order under the same Act or any other law relating to the same subject for the time being in force passed by Government or any officer duly authorized in that behalf, or

claims against Government relating to lands held under treaty, or to lands granted or held as

saraujām, or on other political tenure, or to lands declared by Government or any officer duly authorized in that behalf to be held for service;

(b) objections—

to the amount or incidence of any assessment of land-revenue authorized by Government, or

to the mode of assessment, or to the principle on which such assessment is fixed, or

to the validity or effect of the notification of survey or settlement, or of any notification determining the period of settlement;

(c) claims connected with or arising out of any proceedings for the realization of land-revenue or the rendering of assistance by Government or any officer duly authorized in that behalf to superior holders or occupants for the recovery of their dues from inferior holders or tenants;

claims to set aside on account of irregularity, mistake, or any other ground except fraud, sales for arrears of land-revenue;

(d) claims against Government—

(1) to be entered in the revenue survey or settlement records or village papers as liable for the land-revenue, or as superior holder, inferior holder, occupant or tenant, or

(2) to have any entry made in any record of a revenue survey or settlement, or

(3) to have any such entry either omitted or amended;

(e) the distribution of land or allotment of land-revenue on partition of any estate under Bombay Act IV of 1868, or any other law for the time being in force;

(f) claims against Government—

to hold land wholly or partially free from payment of land-revenue, or

to receive payments charged on or payable out of the land-revenue, or

to set aside any cess or rate authorized by Government under the provisions of any law for the time being in force, or

respecting the occupation of waste or vacant land belonging to Government;

(g) claims regarding boundaries fixed under Bombay Act No. 1 of 1865, or any other law for the time being in force, or to set aside any order passed by a competent officer under any such law with regard to boundary-marks:

Provided that if any person claim to hold land wholly or partially exempt from payment of land-revenue under—

Proviso.

(A) any enactment for the time being in force expressly creating an exemption not before existing in favour of an individual or of any class of persons, or expressly confirming such an exemption on the ground of its being shown in a public record, or of its having existed for a specified term of years, or

(i) an instrument or sanad given by or by order of the Governor of Bombay in Council under Bombay Act No. II of 1863, section one, clause first, or Bombay Act No. VII of 1863, section two, clause first, or

(j) any other written grant by the British Government expressly creating or confirming such exemption, or

(k) a judgment by a Court of law, or an adjudication duly passed by a competent officer under

Bombay Regulation XVII of 1827, chapter X, or under Act No. XI of 1852, which declares the particular property in dispute to be exempt;

such claim shall be cognizable in the Civil Courts.

*Illustrations to (h).*

(1). It is enacted that, in the event of the proprietary right in lands, the property of Government, being transferred to individuals, they shall be permitted to hold the lands forever at the assessment at which they are transferred. The proprietary right in certain lands is transferred to A at an assessment of Rs. 100. An exemption from higher assessment not before existing is expressly created in favour of A by enactment, and he may seek relief in the Civil Court against over-assessment.

(2). It is enacted that when a specific limit to assessment has been established and preserved, the assessment shall not exceed such specific limit. A is the owner of land worth Rs. 100 for assessment. He claims to be assessed at Rs. 50 only on the strength of a course of dealing with him and his predecessors under which his land has not been more highly assessed. There is no exemption not before existing created by enactment, and A's claim is not cognizable in a Civil Court.

(3). It is enacted that land-revenue shall not be leviable from any land held and entered in the land-registers as exempt. A claims to hold certain land as exempt on the ground that it has been so held by him, and is so entered in the land-register. This is an exemption expressly confirmed by enactment on the ground of its being shown in a public record, and A's claim is cognizable in a Civil Court.

(4). It is enacted that the Collector shall confirm existing exemptions of all lands shown in certain maps to be exempt. A claims exemption alleging that his land is shown in the maps to be exempt. A's claim is cognizable in a Civil Court.

(5). It is enacted that assessment shall be fixed with reference to certain considerations, and not with reference to others. This is not an enactment creating an exemption in favour of any individual or class, and no objection to an assessment under such an enactment is cognizable in a Civil Court.

5. Nothing in section four shall be held to prevent the Civil Courts from entertaining the following suits:—

Saving of certain suits.

(a) suits against Government to contest the amount claimed, or paid under protest, or recovered, as land-revenue on the ground that such amount is in excess of the amount authorized in that behalf by Government, or that such amount had previous to such claim, payment, or recovery been satisfied, in whole or in part, or that the plaintiff, or the person whom he represents, is not the person liable for such amount;

(b) suits between private parties for the purpose of establishing any private right, although it may be affected by any entry in any record of a revenue survey or settlement or in any village papers;

(c) suits between superior holders or occupants and inferior holders or tenants regarding the dues claimed or recovered from the latter;

and nothing in section four, clause (g) shall be held to prevent the Civil Courts from entertaining suits, other than suits against Government, for possession of any land being a whole survey number or a recognized share of a survey number.

6. Revenue officers shall not be liable to be sued for damages in any Civil Court for any act *bona fide* done, or ordered to be done, by them as such in pursuance of the provisions of any law for the time being in force.

If any Revenue officer absconds or does not attend when called on by his official superior, and if the Collector of the District proceeds against him or his sureties for public money, papers or

property according to the provisions of any law for the time being in force, such Collector shall not be liable to pay damages or costs in any suit brought against him by such officer or sureties, although it appears that a part only, or no part whatever, of the sum demanded was due from the officer so absconding or failing to attend, or that he was not in possession of the papers or property demanded of him.

**7.** Nothing in any law for the time being in force which authorizes the punishment departmentally of any Revenue officer for any offence or breach of duty, or which sanctions his prosecution criminally for such offence or breach, shall be held to bar any remedy which may be had in the Civil Court against such officer.

**8.** If any act done by a Revenue officer under orders from superior authority subsequently forms the ground of a civil suit against him, he shall appear and answer in such suit as if the act had been done solely by his own authority.

**9.** In every case in which but for the passing of this Act any act or omission of a Revenue officer would have been open to question in a Civil Court, any party aggrieved by such act or omission may, if no other appeal is given by any law for the time being in force, present an appeal, within two months from the date of such act or omission, to the immediate official superior of such officer; and if such official superior be of a grade inferior to that of a Commissioner of Revenue, then the party aggrieved by his decision on appeal may present a further appeal against such decision to the Commissioner of Revenue or such other officer as the Local Government appoints in this behalf.

Such further appeal must be presented within one month from the date of the decision complained of.

Any appeal under this section may be admitted after the period of limitation prescribed therefor when the appellant satisfies the officer appealed to that he had sufficient cause for not presenting the appeal within such period.

In computing any period of limitation so prescribed, the day on which the act, omission or decision complained of took place or was pronounced shall be excluded.

**10.** The Local Government may call for and examine the record of the proceedings on appeal under section nine of any officer for the purpose of satisfying itself as to the legality or propriety of any order passed by him, and may reverse or modify his order, or, if it think fit, may direct that additional evidence be taken, or that the appeal be reheard.

**11.** No Civil Court shall entertain any suit against Government on account of any act or omission of any Revenue officer unless the plaintiff first proves that, previously to bringing his suit, he has presented all such appeals allowed by the law for the time being in force, as within the period of limitation allowed for bringing such suit, it was possible to present.

**12.** If in the trial or investigation of any suit, claim or objection, which, but for the passing of this Act, might have been tried or investigated by a Civil Court there arises any question on which the Governor General in Council or the Local Government desires to have the decision of the High Court, the Governor General in Council or the Local Government, as the case may be, may cause a statement of the question to be prepared, and may refer such question for the decision of the High Court of Judicature at Bombay.

The said High Court shall fix an early day for the hearing of the question referred, and cause notice of such day to be placed in the Court-house.

The parties to the case may appear and be heard in the High Court in person or by their advocates or pleaders.

The High Court, when it has heard and considered the case, shall send a copy of its decision, with the reasons therefor, under the seal of the Court, to the Government by which the reference was made, and subject to any appeal which may be presented to Her Majesty in Council, the case shall be disposed of conformably to such decision.

If the High Court considers that any such statement is imperfectly framed, the High Court may return it for amendment.

The costs (if any) consequent on any such reference shall be dealt with as the High Court in each case directs.

**13.** If in any suit instituted, or in any appeal presented in a Civil Court, the Judge doubts whether he is precluded by this Act from taking cognizance of the suit or appeal, he may refer the matter to the High Court.

The High Court may order the Judge making the reference either to proceed with the case or to return the plaint.

The order of the High Court on any such reference shall be subject to appeal to Her Majesty in Council, and save as aforesaid, shall be final.

**14.** Every reference under section twelve or section thirteen shall be heard by a Bench consisting of such number of Judges not less than three, as the Chief Justice from time to time directs.

**15.** For section thirty-two of the Bombay Civil Courts Act, No. XIV of 1869, the following shall be substituted (namely): "No Subordinate Judge or Court of Small Causes shall receive or register a suit in which the Government or any officer of Government in his official capacity is a party, but in every such case such Judge or Court shall refer the plaintiff to the District Judge, in whose Court alone (subject to the provisions of section nineteen) such suit shall be instituted."

**16.** Whenever any suit is brought in any District Court against Government,

or against any Revenue officer, and the Local Government undertakes the defence thereof,



it shall be lawful for the Local Government, by certificate signed by a Secretary thereto, to require—

(a) that such suit shall be tried by the District Judge himself, and shall not be transferred for trial to an Assistant Judge; and

(b) that the trial of any such suit shall have precedence over the trial of any other suit or other civil proceeding then pending in such Court; and the Court shall give effect to every such requirement.

The privilege conferred on the Local Government by the clause (b) of this section shall, *mutatis mutandis*, apply to any appeal or special appeal against any decree in any such suit as is described in this section.

17. Notwithstanding any repeal effected by the Revival of Bombay Land Improvement Act, Regulation XVII of 1871, arrears of land-revenue 1827, section 13. of former years shall be recoverable by the Collector in the same way as current land-revenue, except that the preference given to demands for current land-revenue, as specified in section five of Bombay Regulation XVII of 1827, shall not extend to demands on account of the arrears for former years.

So much of the said Regulation as is for the Operation of same time being in force in any Regulation in sites of part of the territories to which villages and towns. this Act extends shall be deemed to be in force and to have always been in force in the sites of all villages, towns and cities in such part.

All advances made by the Local Government for Recovery of certain purposes other than those advances made by Local specified in the Land Improvement Act, 1871, section four, may be recovered from the persons to whom such advances are made as if they were arrears of land-revenue.

#### SCHEDULE.

(See section 2.)

#### ACTS OF THE GOVERNOR GENERAL IN COUNCIL.

Number and year.	Title or abbreviated Title.	Extent of repeal.
XVI of 1838	Suits, Bombay	In section 1, the words "or of the wuttuns of hereditary district or village officers."
X of 1848	An Act for annexing the lapsed State of Mandvi to the Presidency of Bombay.	So much of section 2 as is not repealed.
XI of 1852	An Act for the adjudication of titles to certain estates claimed to be wholly or partially rent-free in the Presidency of Bombay.	Section 7.
VIII of 1853	An Act for bringing the lapsed State of Colaba under the laws of the Presidency of Bombay.	So much of section 2 as is not repealed.

#### ACTS OF THE GOVERNOR OF BOMBAY IN COUNCIL.

Number and year.	Title or abbreviated Title.	Extent of repeal.
II of 1863	An Act to facilitate the adjustment of unsettled claims to exemption from the payment of land-revenue, &c.	Section 13, from and including the words "it shall not" down to and including the words "is concerned." Section 14.
III of 1863	An Act for bringing under the Regulations and Acts of the Presidency of Bombay the territories of Sattara, certain villages and lapsed States in the Collectorate of Sholapoor, &c.	Section 3.
VII of 1863	An Act for the summary settlement of claims to exemption from the payment of Government land-revenue, &c.	Section 2, Clause 4. Section 28, from and including the words "it shall not" down to and including the words "the said Act." Section 29.
I of 1865	An Act to provide for the survey, demarcation, assessment, and administration of lands held under Government in the districts belonging to the Presidency of Bombay, &c.	The proviso to section 14.
II of 1866	An Act to divest Courts of Revenue of jurisdiction in certain cases, &c.	So much as has not been repealed.
XIV of 1866	An Act to bring the Pergunnas of Edulabad and Warrungom under the general Regulations and Acts of the Presidency of Bombay.	Section 2.
II of 1871	An Act for imposing duties on the non-agricultural classes, &c.	Section 17, from and including the words "and no suit" to the end.

#### BOMBAY REGULATIONS.

Number and year.	Title or abbreviated Title.	Extent of repeal.
XVI of 1827	A Regulation defining the duties of the Collector, and his powers, &c.	Section 6. Section 11, clause 5. Section 14, clause 4. Section 27, clause 3.

BOMBAY REGULATIONS,—*continued.*

Number and year.	Title or abbreviated Title.	Extent of repeal.
XVII of 1827	A Regulation for the territories subordinate to Bombay, prescribing Rules for the assessment and realization of the land-revenue, &c.	Section 9. Section 16, clause 5.
XXIX of 1827	A Regulation for bringing under the operation of the Regulations the Bombay territories in the Dekkhan and Khândesh.	So much of section 6 as is not repealed.
V of 1830	A Regulation providing for the appointment of a Revenue Commissioner, &c.	Section 1, clause 6, from the words "But if any act" to the end.
VII of 1830	A Regulation for bringing under the operation of the Regulations the Territories comprised in the Southern Mahratta Country, &c.	So much of section 2 as makes section 6 of Regulation XXIX of 1827 applicable to the Territories comprised in the Southern Mahratta Country.

WHITLEY STOKES,  
*Secy. to the Govt. of India.*

[First Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 11th April 1876, and is hereby promulgated for general information :—

ACT No. XI OF 1876.

## THE PRESIDENCY BANKS ACT, 1876.

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## SCHEDULE.

*An Act for constituting and regulating the Bank of Bengal, Madras and Bombay.*

WHEREAS the Bank of Bengal is now constituted and regulated by Act Preamble. No. IV of 1862, as amended

by Acts No. VI of 1862 and No. XIX of 1870, and its capital consists of twenty-two millions of rupees, in shares of one thousand rupees each;

And whereas the Bank of Madras is now constituted and regulated by Madras Act No. VI of 1866, as amended by Madras Act No. I of 1872, and its capital consists of five millions six hundred and twenty-five thousand rupees, in shares of one thousand rupees each;

And whereas a Bank named the Bank of Bombay was constituted and regulated by Bombay Act No. X of 1863, as amended by Bombay Acts No. XV of 1866 and No. I of 1867; but such Bank has been wound up and the said Bombay Acts are now obsolete and should be expressly repealed;

And whereas on the tenth day of December 1867, a joint-stock Banking Company was registered and incorporated at Bombay, by virtue of the Indian Companies' Act, 1866, under the name of "The New Bank of Bombay, Limited," with a Memorandum of Association and Articles of Association then also registered, and prescribing the constitution and regulations for the management of such Bank;

And whereas the Government of India now holds two thousand two hundred shares in the said Bank of Bengal, and five hundred and sixty-two and a half shares in the said Bank of Madras; and, under the provisions of the said Acts, No. IV of 1862 and Madras Act No. VI of 1866, is bound

to appoint, and has power to remove, certain of the directors of the said Banks of Bengal and Madras respectively, and has also power to give a proxy to any person whom the Governor General in Council may appoint, to attend and vote at any meeting of the proprietors of each of the same Banks;

And whereas the Government of India has determined to sell its said shares and to surrender its said powers; and it is expedient to relieve the said Government from the said duty of appointing directors, and to repeal the said enactments and to consolidate such of them as relate to the said Banks of Bengal and Madras respectively with the changes rendered necessary or desirable by such sale, surrender and relief;

And whereas it is expedient to reduce the said capital of the Bank of Bengal by two millions of rupees and to reduce the said capital of the Bank of Madras by six hundred and twenty-five thousand rupees, and to divide the capital so reduced of each of the same Banks into shares of five hundred rupees each;

And whereas it is expedient that the said New Bank of Bombay, Limited, should be reconstituted and regulated, in manner in this Act provided, under the name of the Bank of Bombay;

It is hereby enacted as follows:—

## CHAPTER I.

### PRELIMINARY.

1. This Act may be called "The Presidency Banks Act, 1876;"

Short title. Banks Act, 1876;"

And it shall come into force on the first day

Commencement. of May 1876.

2. On and from that day the statute specified in the first part of the schedule hereto annexed shall be repealed to the extent mentioned in the third column thereof, and the Acts specified in the second, third and fourth parts of the same schedule shall be wholly repealed. But all bye-laws and regulations made under any such Act, and then in force, shall, so far as they are consistent with this Act, be deemed to have been made hereunder.

The references made in the Indian Companies' Act, 1866, to the Bank of Bengal, the Bank of Madras and the Bank of Bombay, shall be deemed to be made respectively to the Bank of Bengal, the Bank of Madras and the Bank of Bombay as constituted by this Act.

3. In this Act, unless there be something repugnant in the subject or context—

Interpretation-clause.

"The Bank" means the Bank of Bengal, the Bank of Madras, or the Bank of Bombay (as the case may be), as constituted and regulated by this Act:

"Capital" means the capital for the time being of the Bank:

"Shares" means the shares for the time being of the capital, and includes also half shares:

"Capital Stock" means that part of the capital into which wholly paid-up shares have been converted or consolidated, and in the case of the Bank

of Bengal and the Bank of Madras includes the present consolidated stock of such Banks respectively:

"Registered" means registered in the books of the Bank:

"Shareholders" means the duly registered holders from time to time of the shares of the Bank:

"Proprietors" means the duly registered holders from time to time of the capital stock of the Bank:

"Directors" means the Directors assembled for the purpose of performing any of their functions under this Act:

"Board" means a meeting of the Directors duly called and constituted, or, as the case may be, the Directors assembled at a Board:

"Auditors" and "Secretary" mean those respective officers from time to time of the Bank, and "Secretary" includes a Secretary and Treasurer and a Deputy Secretary:

"General Meeting" means the meeting of proprietors or shareholders or both, held annually under section forty-nine; it includes any adjourned holding thereof:

"Special Meeting" means a meeting of proprietors or shareholders or both, held for the transaction of some particular business specified in the notice convening the meeting; it includes any adjourned holding thereof:

"Special Resolution" means a resolution passed at a special meeting:

"Office" means the office or principal office for the time being of the Bank:

"Goods" includes also bullion, wares and merchandise:

"Presidency of Fort St. George" means the territories now under the government of the Governor of Fort St. George in Council:

"Presidency of Bombay" means the territories now under the government of the Governor of Bombay in Council; and

"Presidency of Fort William" means all the territories in British India other than the Presidency of Fort St. George and the Presidency of Bombay.

## CHAPTER II.

### CONSTITUTION.

4. The several persons who, when this Act comes into force, are respectively the proprietors and shareholders of the said Bank of Bengal, Bank of Madras and New Bank of Bombay, Limited (hereinafter called the present Banks), or who shall, at any time thereafter, by virtue of this or any other Act regulating the Bank, become proprietors or shareholders, shall continue and constitute and be bodies corporate with perpetual succession, under the name,

in the case of the proprietors and shareholders of the said Bank of Bengal—of "The Bank of Bengal,"

in the case of the proprietors and shareholders of the said Bank of Madras—of "The Bank of Madras,"

and in the case of the shareholders and proprietors of the said New Bank of Bombay, Limited—of "The Bank of Bombay."



and shall respectively possess and enjoy all the rights, powers and immunities incident by law to a corporation aggregate; subject, nevertheless, to the provisions of this or any other Act for the time being in force regulating the Bank,

and, in particular, the proprietors of the Bank with limited liability. shall not be liable for its debts and engagements, and the shareholders of the Bank shall be so liable only to the extent of their shares not fully paid up.

The several persons who are then proprietors and shareholders of each of the present Banks of Bengal and Madras, or the executors or administrators of such proprietors and shareholders respectively, shall be entitled to be registered as proprietors and holders of a like quantity of stock and a proportionate number of shares, as is or are then registered in their names respectively, or in the names of the persons whom they represent respectively in the books of each of the said present Banks of Bengal and Madras, two shares in the Bank of Bengal as constituted by this Act being deemed equivalent to one share in the present Bank of Bengal, and two shares in the Bank of Madras as constituted by this Act being deemed equivalent to one share in the present Bank of Madras,

and the several persons who are then shareholders of the said New Bank of Bombay, Limited, or the executors or administrators of such shareholders respectively, shall be registered as holders of a like number of shares of the Bank of Bombay as constituted by this Act as are then registered in their names respectively, or in the names of the persons whom they represent respectively, in the books of the said New Bank of Bombay, Limited; and all such shares upon which the sum of five hundred rupees has then been paid, shall be deemed to have been fully paid up.

5. All the property, moveable and immovable, and all the securities, claims and demands, and the benefits of all agreements, of or to which the present Banks are or shall be respectively possessed or entitled, or which shall, or but for this Act might be, on the said first day of May 1876, or might at any time thereafter have been, due to, or claimed by, the said Banks respectively shall, by virtue of this Act, become vested in and devolve upon, and may be claimed, made and recovered by,

in the case of the said Bank of Bengal,—the Bank of Bengal as constituted by this Act,

in the case of the said Bank of Madras,—the Bank of Madras as constituted by this Act,

and in the case of the said New Bank of Bombay, Limited,—the Bank of Bombay as constituted by this Act;

and the Bank shall, from and after the said first day of May 1876, be liable and subject to all debts, claims and demands which shall then be due or claimable from, or which, but for this Act, might be then, or might at any time thereafter, have been due or claimable from or made against the said Bank of Bengal, Bank of Madras or New Bank of Bombay, Limited, as the case may be,

and no suit or legal proceeding then pending by or against the said Bank of Bengal, Bank of Madras or New Bank of Bombay, Limited, shall cease, or abate, or become defective, in consequence of this Act, but may be continued and prosecuted by or against the Bank.

6. The transfer of the assets and liabilities of the said New Bank of Bombay, Limited, to the Bank of Bombay by virtue of this Act, shall operate as a winding-up and liquidation of the said New Bank of Bombay, Limited.

No shareholder or creditor of the said New Bank of Bombay, Limited, shall take any proceedings for winding-up the same under the Indian Companies Act, 1866, or any Act for the time being in force relating to the winding-up of Companies;

and no person shall make, assert or take any claims, demands or proceedings against the same Bank, or the directors or officers thereof, except so far as may be necessary for enforcing the provisions of this or any other Act for the time being in force regulating the Bank of Bombay.

7. The Bank shall sue and be sued by its said corporate name;

and shall use such corporate seal as the directors from time to time appoint;

and may as such body corporate acquire and hold, either absolutely or conditionally, for a term or in perpetuity, any property whatsoever, moveable or immovable, and transfer, assign and convey the same.

8. The seal of the Bank shall not be affixed to any instrument except in the presence of at least two directors and of the Secretary and Treasurer, who shall sign their names to the instrument in token of their presence, and such signing shall be independent of the signing of any person who may sign the instrument as a witness.

Unless so signed as aforesaid, such instrument shall be of no validity.

9. Contracts may be made on behalf of the Bank as follows:—

(a) any contract, which, if made between private persons, would be by law required to be in writing, and, if made according to English law, to be under seal, may be made on behalf of the Bank in writing under its corporate seal, and such contract may be in the same manner varied or discharged:

(b) any contract, which, if made between private persons, would be by law required to be in writing signed by the parties to be charged therewith, may be made on behalf of the Bank by writing signed by any person acting under the express or implied authority of the Bank, and such contract may in the same manner be varied and discharged:

(c) any contract, which, if made between private persons, would be by law be valid, although made by parol only and not reduced into writing, may be made by parol on behalf of the Bank by any

person acting under the express or implied authority of the Bank, and such contract may in the same manner be varied and discharged;

and all contracts made according to the provisions herein contained shall be effectual in law and shall be binding upon the Bank and other parties thereto and their legal representatives.

### CHAPTER III.

#### CAPITAL.

10. The capital of the Bank of Bengal shall consist of twenty millions of rupees in shares of five hundred rupees each, divisible into half shares, with power to increase the same, in manner hereinafter provided, to thirty millions of rupees.

The capital of the Bank of Madras shall consist of five millions of rupees, in shares of five hundred rupees each, divisible into half shares, with power to increase the same, in manner hereinafter provided, to twelve millions of rupees.

The capital of the Bank of Bombay shall consist of ten millions of rupees in shares of five hundred rupees each, divisible into half shares, with power to increase the same, in manner hereinafter provided, to twenty millions of rupees.

11. The capital of the said New Bank of Bombay, Limited, already created, shall, on the first day of May 1876, constitute the capital of the Bank of Bombay, subject to be increased as aforesaid.

12. Any shareholder may from time to time surrender his wholly paid-up shares, or any of them, to the directors, and demand and receive from the Bank, in lieu thereof, capital stock to the amount represented by the shares so surrendered.

and any proprietor may from time to time surrender his stock, or any portion thereof, to the directors, and demand and receive from the Bank in lieu thereof shares to the like amount, or as near thereto as practicable.

13. The proprietors and shareholders of the Bank may from time to time by special resolution and with the previous sanction of the Governor General in Council increase or reduce the capital of the Bank:

Provided that no such special resolution shall be deemed to have been passed, unless at least one-third in number of the proprietors or shareholders, holding at least one-half of the paid-up capital of the Bank for the time being, be present in person or by proxy, and a majority poll by open voting in favour of the said resolution.

14. When any such special resolution to increase the capital has been passed, the directors may, subject to the provisions of this or any other Act for the time being in force regulat-

ing such Bank, and to the special direction (if any) given in reference thereto by the meeting at which such resolution has been passed,

(a) make such orders as they think fit for the opening of subscriptions towards such increase of capital by the proprietors and shareholders;

(b) allow to the proprietors and shareholders such period to fill up the subscription as to the directors seems fit;

(c) prescribe the manner in which the proprietors and shareholders shall subscribe and pay into the Bank the proportions of new capital which they may respectively desire to subscribe; and

(d) make such orders as the directors think fit for the disposal and allotment of the amount of new capital that may not be subscribed for and paid up in manner aforesaid:

Provided that the capital shall not exceed, in the case of the Bank of Bengal, thirty millions of rupees, in the case of the Bank of Madras, twelve millions of rupees, and in the case of the Bank of Bombay, twenty millions of rupees.

15. When any such special resolution to reduce the capital has been passed, the directors may (subject as aforesaid) prescribe the manner in which the reduction shall be carried into effect.

16. Any new capital created under the provisions of section thirteen shall be subject to the provisions of this or any other Act regulating the Bank in force for the time being.

### CHAPTER IV.

#### FORFEITURE OF STOCK AND SHARES.

17. If any proprietor or shareholder is indebted to the Bank, the Bank may withhold payment of the dividends on the stock or shares of such proprietor or shareholder not being registered as held in trust, or as executor or administrator, and apply them in payment of the debt;

and the Bank may refuse to register the transfer of any such stock or shares until payment of such debt;

and after demand and default of payment, and notice in that behalf given to such proprietor or shareholder, or his constituted agent, or by public advertisement in the local official Gazette, if the debt remain unpaid for the space of three months after such notice, the Bank may advertise in the local official Gazette such stock or shares for sale on a day not less than fifteen days from the publication of such advertisement;

and may, on such day, sell by public auction, and subject to such conditions, if any, as the Bank thinks fit, such stock or shares, or so much or so many thereof as may be necessary, and apply the proceeds thereof in or towards payment of the said debt, with interest, from the day appointed for the payment of such debt to the time of actual payment, at such rate as may have been agreed upon, or, in the absence of such agreement, at the highest rate current for advances by way of local discounts by the Bank;

and shall pay over the surplus, if any, to such proprietor or shareholder or to his lawful representative.

## CHAPTER V.

## CERTIFICATES, TRANSFER AND TRANSMISSION OF SHARES AND STOCK.

18. Every shareholder shall be entitled to a certificate, under the corporate seal of the Bank, and signed by two Directors and the Secretary and Treasurer, specifying the shares held by him, and in the case of shares which are not wholly paid up, the amount paid thereon,

and any holder of more than one half share may, at his option, demand a certificate for each such half share, or one or more certificates for all or any of such half shares, and such certificate or certificates shall be delivered to him accordingly: provided that the number of such certificates shall in no case exceed the number of half shares in respect of which they are so delivered.

Every proprietor of capital stock shall be entitled to a receipt signed by two Directors and the Secretary and Treasurer, and specifying the amount of stock held by him and any such proprietor may, at his option, demand one receipt for the whole of the stock, or separate receipts for any portions of the stock, so held by him, and such receipt or receipts shall be delivered to him accordingly: Provided that no receipt shall be delivered for a portion of stock less than two hundred and fifty rupees.

For every certificate and receipt delivered under this section there shall be paid such fee as may for the time being be prescribed under section sixty-three, clause (b): Provided that no fee shall be payable for certificates or receipts delivered to the persons referred to in section four for shares in or stock of the Bank.

Every such certificate and receipt shall be *prima facie* evidence of the title of the shareholder or proprietor to the shares or stock therein specified.

19. The stock and shares of every proprietor and shareholder shall be moveable property, capable of being transferred in manner provided by the regulations contained herein, or in any other Act regulating the Bank for the time being in force, and shall not be of the nature of immoveable property; and each share shall be distinguished by its appropriate number.

20. Every transfer of stock or shares may be by endorsement on the certificate or in such other form as the Board from time to time may approve, and shall be presented to the Bank accompanied by such evidence as the Board may require to prove the title of the transferor.

Every such transfer shall be verified in such manner as the Board require, and the Board may refuse to register any such transfer until the same be so verified, and, in the case of shares not fully paid up, unless the transferee is approved by the Board.

The transferor shall be deemed to remain the proprietor or holder of the stock or shares transferred until the name of the transferee is registered in respect thereof.

21. The directors may from time to time close the register and transfer-books of the Bank for any period or periods not exceeding in the whole thirty days in any twelve consecutive months.

22. The proprietors and shareholders for the time being, and no other persons, shall be members respectively of the bodies corporate hereby constituted,

and, except for the purpose of excluding the provisions of section seventeen, the Bank shall not be bound or affected by notice of any trust to which any stock or share may be subject in the hands of the proprietor or holder thereof;

and when any stock or share is vested in more than one proprietor or holder, such proprietors or shareholders shall, as between themselves and the Bank, be considered as joint owners with benefit of survivorship:

Provided that, as regards voting at meetings, service of notices, and receipt of dividend, the person whose name stands first in the register as one of the proprietors or holders of such stock or shares shall be deemed the sole proprietor or holder thereof.

23. When by the death of any proprietor or shareholder his stock or shares shall devolve on his legal representative, the Bank shall not be bound to recognize any legal representative of such proprietor or shareholder other than a person who has taken out from a Court having jurisdiction in the behalf probate of the will or letters of administration to the estate of the deceased.

Any person becoming entitled to stock or shares in consequence of the insolvency or bankruptcy of any proprietor or shareholder, or in consequence of the marriage of any female proprietor or shareholder, may be registered as a proprietor or shareholder upon such evidence being produced as the directors may from time to time require.

## CHAPTER VI.

## DIRECTORS.

24. The business of the Bank shall be managed by the Board, which shall in the first instance consist of six directors, and may subsequently consist of such number, not less than six, and not more than nine, as may be fixed by a special resolution.

Such directors shall be selected by vote of a general or special meeting.

Three of the directors shall form a quorum for the transaction of business.

25. The persons who, on the first day of May 1876, are respectively directors of the Bank of Bengal, the Bank of Madras, and the New Bank of Bombay, Limited, shall be respective

ly directors of the Bank of Bengal, the Bank of Madras, and the Bank of Bombay, as constituted by this Act, subject to removal as hereinafter provided and to the other provisions herein contained.

**26.** The two directors who have been longest in office shall go out of office by rotation annually, at the general meeting.

Any director so retiring may be re-elected at such meeting; and if any question arise as to which of the directors who have been the same time in office shall retire, such question shall be decided by the directors by ballot.

**27. Clause 1.**—No person shall be qualified to serve as a director of a Bank who is not a proprietor or holder in his own right of unencumbered stock or shares of such Bank, to the nominal amount of ten thousand rupees at the least.

**Clause 2.**—No person shall be qualified to serve as a director—

- If he holds the office of director, provisional director, promoter, agent or manager of any other joint-stock Bank established, or having a branch or agency, in British India, or advertised as about to be established, or to have a branch or agency, in British India; or
- If he is a salaried officer of Government not specially authorised by the Governor General in Council to serve as a director;

And the office of director shall be vacated—

- If the person holding it resigns his office or dies;
- If he accepts or holds any other office of profit under the Bank;
- If he becomes insolvent or bankrupt, or compounds with his creditors;
- If he is declared lunatic, or becomes of unsound mind;
- If he is absent from the Board for more than three consecutive months;
- If he ceases to hold in his own right the amount or number of unencumbered stock or shares required to qualify him for the office.

**Clause 3.**—No two persons who are partners of the same mercantile firm, or one of whom is the general agent of, or holds a power of procuration from, the other, or from a mercantile firm of which the other is a partner, shall be eligible or qualified to serve as directors at the same time.

**Clause 4.**—The proprietors or shareholders may, by a special resolution passed by the votes of proprietors or shareholders holding in the aggregate not less than one-half of the capital, remove any director before the expiration of his period of office, and appoint, in his stead, a qualified person, who shall in all respects stand in his place.

**28.** At the first meeting of the directors in every year, they shall choose a president and vice-president from among themselves,

and whenever the office of president or vice-president becomes vacant, they shall, at their next meeting, choose a successor for the remainder of the current year.

The president, or in his absence the vice-president, shall be chairman at all meetings whether of directors or of proprietors or shareholders, or of proprietors and shareholders, and shall have an additional or casting vote in all cases of an equal division of votes. Provided that if both the president and vice-president be absent at any meeting the directors present shall elect a chairman for such meeting from among themselves, and such chairman shall, in case of an equal division of votes, have an additional or casting vote.

**29.** The Board shall have power at any time, and from time to time, to supply any vacancies in their number arising from the death, resignation, or disqualification under section twenty-seven, of any director.

Any director so appointed shall, for the purposes of section twenty-six, be considered to have held office from the date on which the director in whose place he is appointed was elected, or (where such director was appointed under this section) from the date on which his mediate or immediate predecessor was elected.

**30.** All acts done by any person acting in good faith as a director shall be as valid as if he was a director, notwithstanding that there was some defect in his appointment or qualification.

**31.** Every director shall be indemnified by the Bank against all losses and expenses incurred by him in or about the discharge of his duties, except such as happen from his own wilful act or default.

No director shall be responsible for any other director or for any officer, clerk or servant of the Bank, or for any loss or expense happening to the Bank by the insufficiency or deficiency of value of, or title to, any property or security acquired or taken on behalf of the Bank, or by the insolvency, bankruptcy or wrongful act of any customer or debtor of the Bank, or by anything done in the execution of the duties of his office or in relation thereto, or otherwise than for his own wilful act or default.

## CHAPTER VII.

### OFFICERS OF THE BANK.

**32.** The directors shall have power—

to appoint such officers, clerks and servants as may be necessary to conduct the business of the Bank,

to grant salaries, pensions and other emoluments to such officers, clerks and servants, and to suspend or remove any officer, clerk or servant of the Bank.

**33.** The Secretary and such other officers of the Bank as the directors may by writing notified in the local official Gazette (and, in the case of the Bank of Bengal, also in the Gazette of India) are hereby severally empowered for and on behalf of the Bank to endorse and transfer promissory notes, stock-receipts, stock, debentures, shares, securities and documents of title to goods, standing in the name of, or held by, the Bank,



and to draw, accept and endorse bills of exchange, bank post-bills, and letters of credit, in the current and authorized business of the Bank, and to sign all other accounts, receipts and documents connected with such business.

**34. No Secretary, Inspector, Manager, or Accountant in the service of the Bank, and no Khazanchi, Cashier or Shroff in the service of the Bank at the principal office,**

Officers forbidden to engage in other commercial business. and, without the previous sanction of the Board, no Agent, Khazanchi, Cashier or Shroff at any branch or agency of the Bank,

shall engage in any other banking or commercial business, either on his own account or as agent for any other person or persons, or shall act as broker or agent for the sale or purchase of Government or other securities.

**35. Every person appointed to hold, or act in, any one or more of the said offices, and every other officer from whom the directors may from time to time think fit to require it, shall give security to the directors, for the faithful discharge of his duty to the satisfaction of the directors, in such amount and in such manner as they think proper.**

The security to be given as aforesaid by the person holding or acting in the office of Secretary shall not be in a less amount than fifty thousand rupees.

## CHAPTER VIII.

### BUSINESS.

**36. The Bank is authorized to carry on and transact the several kinds of business hereinafter specified (that is to say):**

(a) the advancing and lending money, and opening cash-credits, upon the security of:—

- (1) promissory notes, debentures, stock and other securities of the Government of India, or of the United Kingdom of Great Britain and Ireland;
- (2) bonds, debentures and annuities charged by the Imperial Parliament on the revenues of India;
- (3) stock or debentures of, or shares in, Railway or other Companies, the interest whereon shall have been guaranteed by the Secretary of State for India in Council;
- (4) debentures or other securities for money issued by, or on behalf of, any municipal body under the authority of any Act of a legislature established in British India;
- (5) bullion or other goods which, or the documents of title to which, are deposited with, or assigned to, the Bank as security for such advances, loans or credits; and
- (6) accepted bills of exchange and promissory notes indorsed by the payees:

Provided that such advances and loans may be made, if the directors think fit, to the Secretary of State for India in Council, without any specific security;

(b) the selling and realization of the proceeds of sale of any such promissory notes, debentures, stock receipts, bonds, annuities, stock, shares, securities, bullion or goods which, or the documents of title to which, have been deposited with, or assigned to, the Bank as security for such advances, loans or credits, or which are held by the Bank, or over which the Bank is entitled to any lien or charge in respect of any such loan or advance or credit or any debt or claim of the Bank, and which have not been redeemed in due time in accordance with the terms and conditions (if any) of such deposit or assignment;

(c) the drawing, discounting, buying and selling of bills of exchange and other negotiable securities payable in India, or (in the case of the Bank of Madras) in Ceylon;

(d) the investing of the funds of the Bank upon any of the securities specified in paragraph (a) of this section, clauses (1), (2), (3) and (4), and converting the same into money when required,

and from time to time altering, converting and transposing such investments for or into others of the investments above specified;

(e) the making, issuing and circulating of bank post-bills and letters of credit made payable in India, or (in the case of the Bank of Madras) in Ceylon, to order, or otherwise than to the bearer on demand;

(f) the buying and selling of gold and silver, whether coined or uncoined;

(g) the receiving of deposits and keeping cash-accounts on such terms as may be agreed on;

(h) the acceptance of the charge and management of plate, jewels, title-deeds or other valuable goods on such terms as may be agreed upon;

(i) the selling and realizing of all property whether moveable or immoveable, which may in any way come into the possession of the Bank in satisfaction or part-satisfaction of any of its claims;

(j) the transacting of pecuniary agency business on commission;

(k) the acting as agent on commission in the transaction of the following kinds of business (namely):—

- (1) the buying, selling, transferring and taking charge of any securities, or any shares in any public Company;
- (2) the receiving of the proceeds, whether principal, interest or dividends, of any securities or shares;
- (3) the remittance of such proceeds at the risk of the principal by public or private bills of exchange, payable either in India or elsewhere;

(l) the drawing of bills of exchange, and the granting of letters of credit, payable out of India, for the use of principals for the purpose of the remittances mentioned in the last preceding clause of this section;

(m) the buying, for the purpose of meeting such bills or letters of credit, of bills of exchange payable out of India, at any usance not exceeding six months;

(n) and, generally, the doing of all such matters and things as may be incidental or subsidiary to the transacting of the various kinds of business hereinbefore specified;

(o) It shall also be lawful for the Bank under any arrangement or agreement with the Secretary of State for India in Council—

- (1) to act as banker for, and to pay, receive, collect and remit money, bullion and securities on behalf of the Government;
- (2) to undertake and transact any other business which the Government may from time to time entrust to the Bank;

And the directors shall have power from time to time to arrange and settle with the Governor General in Council the terms of remuneration on which such business shall be undertaken by the Bank, and also as to the examination and audit from time to time of the accounts and affairs of the Bank by or on behalf of the Governor General in Council.

37. The directors shall not transact any kind of banking business other than those above specified, and in particular they shall not make any loan or advance—

- (a) for a longer period than three months; or
- (b) upon the security of stock or shares of the Bank of which they are directors; or
- (c) upon mortgage, or in any other manner upon the security, of any immoveable property, or the documents of title relating thereto.

(d) Nor shall they lend or advance, by discount of bills or otherwise, to any individual or partnership firm (except upon the security mentioned in section thirty-six, paragraph (a), numbers (1) to (5) inclusive), any sums of money exceeding in the whole at any one time such sum as may be prescribed by the bye-laws for the time being in force.

(e) Nor shall they discount or buy, or advance and lend, or open cash-credits on the security of any negotiable instrument of any individual or partnership firm, payable in the town or at the place where it is presented for discount, which does not carry on it the several responsibilities of at least two persons or firms unconnected with each other in general partnership.

(f) Nor shall they discount or buy, or advance and lend, or open cash-credits on the security of any negotiable security having at the date of the proposed transaction a longer period to run than three months, or if drawn after sight, drawn for a longer period than three months: provided that, in the case of the Bank of Madras, the directors may discount negotiable securities payable in London having at the date of the transaction a period to run not exceeding four months.

Nothing contained in this Act shall be deemed to prevent the directors from allowing any person who keeps an account with the Bank from overdrawing such account, without security, to the extent of sums not exceeding at any one time two thousand rupees in the whole.

38. Until the expiration of at least fourteen days after notice has been given by notification of the Governor General in Council published, in the case of the Bank of Bengal, in the *Gazette of India* and the *Calcutta Gazette*, and in the cases of the Bank of Madras and the Bank of Bombay, in the local official *Gazette*, that the Bank will no longer act as banker for, or pay, receive, collect or remit money, bullion and securities on behalf of the Government,

all sums payable by or to the Secretary of State for India in Council, or by or to the Governor

General in Council, or the Government of Bengal or the Governor of Fort St. George in Council or the Governor of Bombay in Council, on behalf of the Secretary of State for India in Council, at the General Treasury of Fort William in Bengal, or at the General Treasury at Madras, or at the General Treasury at Bombay,

shall be payable—

in the case of the Secretary of State for India in Council, or the Governor General in Council—at the office of the Bank of Bengal, the Bank of Madras, or the Bank of Bombay, as the case may be, in the case of the Government of Bengal—at the office of the Bank of Bengal;

in the case of the Governor of Fort St. George in Council—at the office of the Bank of Madras; and in the case of the Governor of Bombay in Council—at the office of the Bank of Bombay.

39. Whenever presentment of any promissory note, bond or other security for payment or any other purpose at any of the said

General Treasuries would heretofore have been necessary or sufficient, presentment for such purpose shall be necessary or sufficient (as the case may be) until the expiration of fourteen days after the giving of the notice mentioned in section eleven—

in the case of the General Treasury of Fort William—at the office of the Bank of Bengal;

in the case of the General Treasury at Madras—at the office of the Bank of Madras; and

in the case of the General Treasury at Bombay—at the office of the Bank of Bombay.

40. The office of the Bank of Bengal shall be at Calcutta, that of the Bank of Madras shall be at Madras, and that of the Bank of Bombay shall be in the Island of Bombay;

and the business of the Bank shall be carried on at its office, and at such other place or places in India as the Board may deem advisable, under the provisions of section forty-two.

41. For the purpose of providing offices and places in and at which to carry on and manage the business of the Bank, and proper residences for its agents, the directors may—

(a) acquire any interest in immoveable property, and

(b) sell, buy in, resell, exchange, let, furnish, repair, insure against fire and otherwise deal with all or any part of the same as they may consider most conducive to the interests of the Bank.

42. It shall be lawful for the directors to maintain as branches or agencies of the Bank, any branches or agencies of the present Banks, which may be in existence on the first day of May 1876,

and, from time to time, to establish branches or agencies at such places within the Presidency in which the Bank is situate as they deem advantageous to the interest of the Bank,

and, with the previous consent of the Governor General in Council, and subject to such restrictions as to the business to be transacted as he thinks fit in each case to impose (such consent and restrictions being notified in the *Gazette of India*), to

establish branches or agencies at such places outside the Presidency in which the Bank is situate, as the directors deem advantageous for the interests of the Bank :

Provided that no agency of the Bank now or hereafter established in Bombay, Calcutta or Madras shall advance, or lend money, or open cash-credits on securities, or receive deposits and keep cash-accounts, or discount bills of exchange drawn and payable in the Presidency in which it is so established,

or shall act as agent on commission, or transact any business except as agent of its principal Bank, or any of its branches or other agencies.

The directors may discontinue any branch or agency maintained or established under this section.

### CHAPTER IX.

#### ACCOUNTS AND DIVIDENDS.

43. The directors shall cause the books of the Bank to be balanced on every thirty-first day of December and every thirtieth day of June.

A statement of the balance at every such period, signed by a majority of the directors, shall be forthwith sent to a Secretary to the Government of India, and in the cases of the Bank of Madras and the Bank of Bombay, also to a Secretary to the Local Government.

The Governor General in Council in the case of each of the said Banks, and the Local Government in the case of the Bank of Madras and the Bank of Bombay, shall (so long as any such arrangement with the Government as aforesaid, which has already been, or shall hereafter be, entered into remains in force) at all times be entitled to require of the directors any information touching the affairs of the Bank and the production of any document of the Bank,

and in the case of each of the said Banks the Governor General in Council may require the publication of such statements of its assets and liabilities at such intervals and in such form and manner as the Governor General in Council thinks fit.

Every requisition under this section shall be signified in writing under the hand of a Secretary to the Government of India or to the Local Government (as the case may be), and the directors shall comply with every such requisition.

44. An account of the profits of the Bank during the previous half-year shall be taken on or immediately after every thirty-first day of December and every thirtieth day of June,

and a dividend shall be made as soon thereafter as conveniently may be,

and the amount of such dividend shall be determined by the directors, subject to the provisions of section forty-five ;

No unpaid dividend shall bear interest as against the Bank.

45. The directors, before declaring any dividend, may set aside out of the profits of the Bank such a sum as they think proper as a reserve-fund, and

invest the same upon any of the securities specified in section thirty-six, paragraph (a), clauses (1), (2), (3) and (4).

46. The directors may from time to time apply such portion as they think fit of the reserve-fund to meet contingencies, or for equalizing dividends, or for any other purposes of the Bank, which they from time to time deem expedient.

### CHAPTER X.

#### AUDIT.

47. Two auditors shall be elected and their remuneration fixed at the annual general meeting.

The auditors may be proprietors or shareholders; but no director or other officer of the Company is eligible during his continuance in office.

Any auditor shall be re-eligible on his quitting office.

The persons who shall be auditors on the first day of May 1876, and all auditors elected under this section, shall severally be and

continue to act as auditors until the first general meeting after their respective elections :

Provided that if any casual vacancy occurs in the office of any auditor, the directors shall forthwith call a special meeting for the purpose of supplying the same.

48. Every auditor shall be supplied with a copy of the half-yearly balance-sheet, and it shall be his duty to examine the same with the accounts and vouchers relating thereto.

Every auditor shall have a list delivered to him of all books kept by the Bank, and shall at all reasonable times have access to the books, accounts and other documents of the Bank, and may (at the expense of the Bank) employ accountants or other persons to assist him in investigating such accounts, and may, in relation to such accounts, examine the directors or any other officer of the Bank.

The auditors shall make a report to the proprietors and shareholders upon the annual balance-sheet and accounts ; and in every such report they shall state whether, in their opinion, the balance-sheet is a full and fair balance-sheet containing the particulars required by the bye-laws made under this Act and properly drawn up so as to exhibit a true and correct view of the state of the Bank's affairs, and in case they have called for any explanation or information from the directors, whether it has been given by the directors and whether it has been satisfactory.

Such report shall be read together with the report of the directors at the annual general meeting.

### CHAPTER XI.

#### MEETINGS.

49. On the first Monday of the month of August in every year, or as soon after such day as is convenient, a general meeting shall be held, at which the directors shall submit

to the proprietors and shareholders a statement of the affairs of the Bank made up to the preceding thirtieth day of June.

A notice convening such meeting, signed by the Secretary, shall be published in the local official Gazette, and in the case of the Bank of Bengal also in the *Gazette of India*, at least fifteen days before the meeting is held.

50. Any ten or more proprietors or shareholders holding stock or shares, or both, to the aggregate amount of fifty thousand rupees, or any three directors, may convene a special meeting upon giving fifteen days' previous notice of such meeting, and of the purpose for which the same is convened, as well to the directors as also by public advertisement in the local official Gazette, and in two of the English daily newspapers and one of the Vernacular newspapers :

Provided that three months' previous notice shall be thus given of any special meeting held for the purpose of increasing or reducing the capital of the Bank, and shall also be served on every proprietor and shareholder.

51. No business shall be transacted at any meeting, whether general or special, unless a quorum of twenty proprietors or shareholders, or both, in person or by proxy, is present at the commencement of such business.

If within one hour from the time appointed for the meeting a quorum is not present, the meeting, if convened by proprietors or shareholders not being directors, shall be dissolved : in any other case it shall stand adjourned to the same day in the following week at the same time and place, and if at such adjourned meeting a quorum is not present it shall be adjourned *sine die*.

52. At meetings whether general or special, every election and other matter submitted to the meeting shall be decided by a majority of votes, except as in section thirteen and in section twenty-seven, clause 4, is specially provided,

and no person shall be allowed to vote at any such meeting in respect of any stock or share acquired by transfer, unless such transfer shall have been completed and registered at least three months before the time of such meeting.

And no shareholder shall be entitled to vote at any meeting in respect of any shares held by him alone or jointly, whilst any call due from him alone or jointly remains unpaid.

53. A declaration by the chairman of any meeting, except a special meeting held under section thirteen, that a resolution has been carried thereat upon a show of hands, shall be conclusive, and an entry to that effect in the book of proceedings of the Bank shall be sufficient evidence of that fact, without proof of the number or proportion of the votes recorded in favour of, or against, such resolution, unless, immediately on such declaration, a poll be

demand in writing by five proprietors or shareholders present and entitled to vote at such meeting.

54. If a poll be demanded, it shall be taken at such time and place, and demanded, (except at the special meeting last aforesaid) either by open voting or by ballot, as the chairman directs and the result of the poll shall be deemed to be the resolution of the meeting at which the poll was demanded.

55. The proceedings at any meeting, and all resolutions and decisions of such meeting, shall be valid and binding on the Bank, so far as such proceedings, resolutions and decisions are consistent with the provisions of this or any other Act for the time being in force and regulating the Bank.

56. At all such meetings, the proprietors or shareholders shall vote according to the following scale :—

The proprietor of capital stock amounting to Rs. 2,000, or the holder of shares of which the total nominal amounts are equal to Rs. 2,000, shall be entitled to ...	1 vote.
The proprietor of capital stock amounting to Rs. 10,000, or the holder of shares of which the total nominal amounts are equal to Rs. 10,000, shall be entitled to ...	2 votes.
The proprietor of capital stock amounting to Rs. 20,000, or the holder of shares of which the total nominal amounts are equal to Rs. 20,000, shall be entitled to ...	3 "
The proprietor of capital stock amounting to Rs. 30,000, or the holder of shares of which the total nominal amounts are equal to Rs. 30,000, shall be entitled to ...	4 "
The proprietor of capital stock amounting to Rs. 40,000, or the holder of shares of which the total nominal amounts are equal to Rs. 40,000, shall be entitled to ...	5 "
The proprietor of capital stock amounting to Rs. 50,000, or the holder of shares of which the total nominal amounts are equal to Rs. 50,000, shall be entitled to ...	6 "
The proprietor of capital stock amounting to Rs. 75,000, or the holder of shares of which the total nominal amounts are equal to Rs. 75,000, shall be entitled to ...	7 "
The proprietor of capital stock amounting to Rs. 1,00,000, or the holder of shares of which the total nominal amounts are equal to Rs. 1,00,000, shall be entitled to ...	8 "
The proprietor of capital stock amounting to Rs. 1,25,000, or the holder of shares of which the total nominal amounts are equal to Rs. 1,25,000, shall be entitled to ...	9 "
The proprietor of capital stock amounting to Rs. 1,50,000, or the holder of shares of which the total nominal amounts are equal to Rs. 1,50,000, shall be entitled to ...	10 "
The proprietor of capital stock amounting to Rs. 1,75,000, or the holder of shares of which the total amounts are equal to Rs. 1,75,000, shall be entitled to ...	11 "
The proprietor of capital stock amounting to Rs. 2,00,000, or the holder of shares of which the total amounts are equal to Rs. 2,00,000, shall be entitled to ...	12 "

Where a person is both a proprietor of stock and a holder of shares, his shares shall, for the purpose of this section, be deemed to be stock.

No proprietor or shareholder shall be entitled to more than twelve votes at any such meeting.



**57.** Any proprietor or shareholder entitled to vote at any meeting under this Act may give a proxy in writing, either general or special, under his hand or the hand of his attorney duly authorized, to any other proprietor or shareholder.

Such proxy shall be produced at the time of voting, and shall entitle the person to whom it is given to vote on such matters as shall be authorized by the tenor of such proxy.

But no person shall be permitted to vote in virtue of such proxy unless it has been left for registration at the office of the Bank at least three clear days before the time for holding the meeting at which it is intended to be used :

Provided that a general proxy which has been registered at such office need not be again left for registration previous to any subsequent meeting.

Proxies existing and in force with reference to any of the present Banks, on the first day of May 1876, shall continue in force and be available at meetings under this Act, anything herein contained notwithstanding.

A general power-of-attorney shall be deemed a proxy within the meaning of this section.

**58.** If any proprietor or shareholder is a lunatic or idiot, he may vote by his committee or other legal curator, and if any proprietor or shareholder is a minor, he may vote by his guardian, or any one of his guardians, if more than one.

## CHAPTER XII.

### NOTICES.

**59.** Every notice or other document requiring to be served by the Bank upon any proprietor or shareholder may be served either personally, or by leaving it for, or sending it through the post by registered letter addressed to, him at his registered place of abode ;

and every notice sent through the post shall be deemed to have been served at the time at which, in the usual course of post, it would have been delivered.

**60.** Any proprietor or shareholder who changes his name or place of abode, or being a female married, and the husband of any such female, respectively, shall not be entitled to recover any dividend or to vote until notice of the change of name or abode or marriage be given to the Bank, in order that the same may be registered.

Every notice to be given on the part of any proprietor or shareholder shall be left at the office of the Bank, or sent through the post by registered letter addressed to the Secretary of the Bank at its principal office.

**61.** Every person who by operation of law, transfers or otherwise becomes entitled to any stock or shares, shall be bound by any and every notice or other document which, previously to his name and address being entered upon the register of the Bank in respect of such stock or

shares, has been given to the person from whom he derives his title thereto.

**62.** When any notice or document is delivered or sent, in accordance with this Act, at or to the registered place of abode of a proprietor or shareholder, then, and notwithstanding he be then deceased, and whether or not the Bank have notice of his decease, such service of the notice or other document shall, for all purposes of this Act, be deemed service thereof on him, or, if dead, on his heirs, executors, administrators, and every of them.

## CHAPTER XIII.

### BYE-LAWS.

**63.** The directors shall as soon as may be make, and may from time to time alter, bye-laws regulating the following matters or any of them :—

(a) the maximum amount which may be advanced or lent by discount of bills, or otherwise, to any individual or partnership, without the security mentioned in section thirty-six, paragraph (a), Nos. (1) to (5) inclusive,

(b) the circumstances under which alone advances may be made to directors or officers of the Bank, or the relatives of such directors or officers, or to companies, firms or individuals with which or with whom such directors, officers, or relatives are connected as partners, directors, managers, servants, shareholders, or otherwise,

(c) the particulars to be contained in the half-yearly balance-sheet,

The directors may from time to time make bye-laws regulating the following matters or any of them :—

(d) the distribution of business amongst the directors,

(e) their remuneration,

(f) the delegation of any powers of the directors to committees consisting of members of their body,

(g) the procedure at the meetings of the board or of any committee of the directors,

(h) the books and accounts to be kept at the head and other offices respectively,

(i) the reports and statements to be prepared and made by the Chief Accountant, the heads of departments, and the other officers of the Bank,

(j) the management of the branches and agencies,

(k) the fees payable for certificates of shares or receipts for stock, or for registration of transfers of shares or stock,

(l) the renewal of certificates of shares and receipts for stock, which have been worn-out or lost,

(m) and, generally, for the conduct of the business of the Bank :

Provided that no bye-law, or alteration or rescission of any bye-law, shall be of any validity, except in so far as the same is consistent with the provisions of this Act, and has been previously approved by the Governor General in Council, and such approval has been signified in writing under the hand of a Secretary to the Government of India.

Provided.

## CHAPTER XIV.

## MISCELLANEOUS.

64. The directors may institute, conduct, defend, compromise, refer to arbitration and abandon legal and other proceedings and claims by or against the Bank or the directors or officers of the Bank, and otherwise concerning its affairs.

65. In any suit brought against any shareholder to recover any debt due for any call or other monies due from him in his character of shareholder, it shall be sufficient to allege that the defendant is a shareholder of the Bank, and is indebted to the Bank in respect of a call made or other monies due, whereby a right to sue has accrued to the Bank;

and, on the hearing of any suit brought by the Bank against any shareholder to recover any debt due for any call, it shall be sufficient to prove that the name of the defendant is on the register of shareholders of the Bank as the holder of the shares in respect of which such debt accrued, and that the call was made, and that notice of such call was duly given to the defendant in pursuance of this or any other Act for the time being in force regulating the Bank;

and it shall not be necessary to prove the appointment of the directors who made such call, nor that a quorum of directors was present at the Board at which such call was made, nor that the meeting at which it was made was duly convened or constituted.

66. Nothing in the Thirty-third of George the Third, session two, chapter fifty-two, shall be deemed to render it unlawful for any servant of Government, or for any Judge of a High Court, to become a member of any corporation established under this Act.

67. Notwithstanding anything contained in this Act or in section 231 of Act No. X of 1866, whenever the proprietors and shareholders have passed a special resolution that the Bank shall be wound up voluntarily under the Indian Companies Act, 1866, the Bank shall be wound up accordingly, as if it were a Company under that Act:

Provided that no such special resolution shall be deemed to have been passed unless at least one-third of the proprietors and shareholders holding at least one-half of the paid-up capital of the Bank for the time being, be present in person or by proxy, and a majority poll by open voting in favour of the said resolution, and such resolution has been confirmed by a majority of such proprietors and shareholders at a subsequent special meeting held at an interval of not less than one month, nor more than two months, from the date of the meeting at which such resolution was first passed.

68. And whereas the Government of India has agreed to sell, and the directors of the present Bank of Bengal have agreed to purchase, at a premium of twenty-two and a half per centum, the said two thousand two hundred shares of one thousand rupees each held by the Government of India in the same Bank; and

it is intended that the directors of the Bank of Bengal as constituted by this Act shall cancel two thousand of such shares, and sell for the benefit of the Bank four hundred shares in the same Bank corresponding with the remaining two hundred shares so agreed to be sold and purchased;

And whereas the Government of India has agreed to sell, and the directors of the present Bank of Madras have agreed to purchase, at a premium of ten per centum, the said five hundred and sixty-two and a half shares held by the Government of India in the same Bank: and it is intended that the directors of the Bank of Madras as constituted by this Act shall cancel the same shares;

And whereas the directors of the present Bank of Madras have purchased and cancelled other sixty-two and a half shares in such Bank;

And whereas the said respective directors of the present Bank of Bengal and Bank of Madras had no power to enter into the said agreements with the Government of India, and the directors of the Bank of Bengal as constituted by this Act have no power to sell the four hundred shares referred to in this section, and the said directors of the present Bank of Madras had no power to purchase and cancel the said other sixty-two and a half shares;

And whereas the directors of the Bank of Bengal as constituted by this Act have no power to cancel the said two thousand shares and the said directors of the Bank of Madras as constituted by this Act have no power to cancel the said five hundred and sixty-two and a half shares;

And whereas it is expedient to confirm the said agreements with the Government of India, and to indemnify the said respective directors of the present Bank of Bengal and Bank of Madras for entering into the same, and to confirm the said purchase of the said other sixty-two and a half shares by the directors of the present Bank of Madras, and to indemnify the same directors for making the same, and for cancelling the same shares, and to empower the directors of the Bank of Bengal as constituted by this Act to sell the said four hundred shares, and to empower the respective directors of the Bank of Bengal and Bank of Madras as constituted by this Act to cancel the said shares so intended to be cancelled; It is hereby further enacted as follows:—

(a).—The said agreements with the Government of India are hereby confirmed, and the said respective directors of the present Bank of Bengal and Bank of Madras are hereby indemnified for entering into the same; and no suit or other proceeding shall be maintained against any such director in respect of any thing *bond fide* done in pursuance of either of such agreements.

(b).—The said purchase of the said other sixty-two and a half shares is hereby confirmed, and the said directors of the present Bank of Madras are hereby indemnified for making the same and for cancelling the same shares; and no suit or other proceeding shall be maintained against any such director in respect of anything *bond fide* done in effecting such purchase and cancellation.

(c).—The directors of the Bank of Bengal as constituted by this Act shall have power to sell, and shall, as soon as conveniently may be, sell, the said four hundred shares, either together or in parcels, and either by public auction or private contract, and shall apply the proceeds in or towards paying the price of the shares of the Government of India so agreed to be purchased by the directors of the present Bank as aforesaid, or otherwise for the benefit of the Bank of Bengal as constituted by this Act.

(d).—The directors of the Bank of Bengal as constituted by this Act shall have power to cancel, and shall, as soon as conveniently may be, cancel, the said two thousand shares, and the directors of the Bank of Madras as constituted by this Act shall have power to cancel, and shall, as soon as conveniently may be, cancel, the said five hundred and sixty-two and a half shares.

## SCHEDULE.

(SEE SECTION 2.)

### Part I.—Statute.

Number and year.	Abbreviated title.	Extent of repeal.
47 George III, sess. 2, cap. 68.	An Act for the better government of the Settlements of Fort St. George and Bombay, &c.	Sections eight, nine and ten.

### Part II.—Acts of the Governor General in Council.

Number and year.	Title.
IV of 1862	An Act for regulating the Bank of Bengal.
V of 1862	An Act to provide for the payment at the Banks of Bengal, Madras and Bombay, of monies payable at the General Treasuries of Calcutta, Madras and Bombay.
VI of 1862	An Act to annex a schedule to Act IV of 1862.
XXIX of 1863	An Act to declare the receipts of the Banks of Bengal, Madras and Bombay to be sufficient in lieu of the receipts of the Sub-Treasurers of Fort William, Fort St. George and Bombay, respectively.
XIX of 1870	An Act to enable the Directors of the Bank of Bengal to act by a quorum.

### Part III.—Acts of the Governor of Fort St. George in Council.

Number and year.	Title.
VI of 1866	An Act for repealing Madras Act V of 1862, and for regulating the Bank of Madras.
I of 1871	An Act to amend Madras Act VI of 1866, to give validity to certain acts done by the Directors of the Bank of Madras, and to enable outgoing Directors to be re-elected.

### Part IV.—Acts of the Governor of Bombay in Council.

Number and year.	Title.
X of 1863	An Act for the Re-incorporation and Re-constitution of the Bank of Bombay.
XV of 1866	An Act to amend Act No. X of 1863 (Bombay).
I of 1867	An Act to reduce the amount of the capital of the Bank of Bombay and of the shares thereon, and to amend Act X of 1863 and Act XV of 1866 (Bombay).

WHITLEY STOKES,  
Secy. to the Govt. of India.

[ First Publication. ]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 11th April 1876, and is hereby promulgated for general information:—

ACT No. XII of 1876.

*An Act for the repeal of certain Obsolete Enactments.*

WHEREAS it is expedient that the enactments mentioned in the schedule to this Act, which have ceased to be in force otherwise than by express and specific repeal, or have by lapse of time and change of circumstances become unnecessary, and which merely repeal prior enactments, should be expressly and specifically repealed; It is hereby enacted as follows:—

1. The enactments described in the schedule annexed to this Act and hereby repealed to the extent mentioned in the third column of the same schedule:

Provided that the repeal by this Act of any enactment shall not affect any Statute, Act or Regulation, in which such enactment has been applied, incorporated, or referred to:

And this Act shall not affect the validity or invalidity of anything already done or suffered, or any indemnity already granted, or any right or title already acquired or accrued, or any remedy or proceeding in respect thereof, or the proof of any past act or thing:

Nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or

appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognized, or derived, by, in, or from any enactment hereby repealed:

Nor shall this Act provide or restore any jurisdiction, office, custom, privilege, restriction, exemption, usage or practice not now existing or in force.

2. This Act may be cited as "The Repealing Act, 1876": it extends to the whole of British India; and it shall come into force at once.

Short title.

Local extent.

Commencement.

### SCHEDULE.

*A description or citation of a portion of an Act or Regulation is inclusive of the words, section or other part, first or last mentioned, or otherwise referred to as forming the beginning or as forming the end of the portion comprised in the description or citation.*

#### PART I.

##### *Acts of the Governor General in Council.*

Number and year.	Subject.	Extent of repeal.
IX of 1835 ...	Salt, Bengal	The whole.
XIX of 1838 ...	Coasting Vessels, Bombay	Section nine. In section twelve, the word "India." In section thirteen, the words "Justice of the Peace or person exercising the powers of a Magistrate." So much of section fifteen as has not been repealed.
XXIX of 1838 ...	Salt, Bengal	So much as has not been repealed.
VI of 1840 ...	Bills of Exchange	In section five, the words "after the passing of this Act."
XVIII of 1841 ...	Arms and Ammunition	Section two.
XIX of 1841 ...	Wrongful possession in case of succession.	In section nine, the word "that" where it occurs before the word "all," and in section eighteen, the word "that" where it occurs before the word "for."
XVI of 1844 ...	Salt, Bombay	So much as has not been repealed.
I of 1846 ...	Pleaders	In section seven, the word "that" where it occurs before the word "it." Section nine down to the words "and that," and in the same section, the word "such" where it first occurs.
VIII of 1846 ...	Settlement, N. W. Provinces	So much as has not been repealed.
XI of 1846 ...	Deregulationising certain territories.	The words "and the Zillah Ahmednuggur" wherever they occur.
XX of 1847 ...	Copyright	In section seven, the words "after the passing of this Act" and "in such part of the said territories"; and from "if he shall have so offended" down to "charter"; and from "to a special" to "no Zillah Court." In section thirteen, the word "that" where it occurs after the words "Trove; and."
XV of 1848 ...	Supreme Court Officers	In section four, the words "or the East India Company."
IX of 1850 ...	Presidency Small Cause Courts.	Sections three, forty-seven and ninety. In section one, the last thirty-seven words. In section eight, the words "not exceeding three." In section one hundred and one, the words "after the passing of this Act."



*Acts of the Governor General in Council—continued.*

Number and year.	Subject.	Extent of repeal.
XXXVII of 1850...	Public Servants ...	Section seventeen.
XL of 1850 ...	Pawnbrokers, Straits Settlements.	So much as has not been repealed.
VIII of 1851 ...	Tolls on Roads and Bridges	In section six, the words "of the zillah."
XVII of 1852 ...	Special Cases, Supreme Court.	Section twenty-six, from "which according" to "referred, but." Section thirty. In section thirty-two, the words "and also the Court of Judicature of Prince of Wales' Island, Singapore and Malacca." Section thirty-three.
XXI of 1852 ...	Deputy Collectors, Bombay	In section one, the words "zillah or."
XXX of 1852 ...	Naturalization	The last sixteen words of the schedule.
XVIII of 1854 ...	Railways	In section thirty-four, the words "or by any Assistant to a Magistrate or Deputy Magistrate." In section thirty-five, the words "and district or Joint Police officers in the Presidency of Bombay." In section forty, the words "within the said territories."
XXXI of 1854 ...	Real Actions, Conveyances	In section thirteen, the words "in the possession and."
VI of 1855 ...	Execution, Supreme Courts	Section fourteen, from "and the term" to the end.
XXIV of 1855 ...	Penal Servitude	In section one, the words "in the possession and."
VIII of 1856 ...	Gaols, Bombay	In section two, the first eight words.
II of 1857 ...	Calcutta University	In the preamble, the last four words. Section four, from "and the first" to the end. In section five, the first sentence, and the words and figures "and the Vice-Chancellor hereinbefore nominated shall go out of office on the first day of January 1859," and the words "the Vice-Chancellor hereinbefore nominated or."
IV of 1857 ...	Tobacco, Bombay Town	In section five, the words "after the passing of this Act," and from "and the provisions" to "Town."
XI of 1857 ...	Offences against the State	In section three, <i>clause</i> 1, the words "within the said territories," "of the crimes mentioned in the preceding sections, or any other." In section four, the words "the attendance or future of a Law Officer or."

*Acts of the Governor General in Council—continued.*

Number and year.	Subject.	Extent of repeal.
XXII of 1857 ...	Bombay University ...	Sections seven, eight, nine and ten. In section eleven, the words "lawfully exercising the powers of a Magistrate and any Assistant to a Magistrate or Deputy Magistrate."
XXVII of 1857 ...	Madras University ...	In the preamble, the last four words. In section four, the last twelve words. In section five, the first sentence, and the words and figures "and the Vice-Chancellor hereinbefore nominated shall go out of office on the first day of January 1859," and the words "the Vice-Chancellor hereinbefore nominated or."
XXIX of 1857 ...	Land Customs, Bombay ...	In the preamble, the last four words. In section four, the last fourteen words. In section five, the first sentence, and the words and figures "and the Vice-Chancellor hereinbefore nominated shall go out of office on the first day of January 1859," and the words "the Vice-Chancellor hereinbefore nominated or."
I of 1859 ...	Merchant Seamen ...	In section eleven, the words "by the said schedules." In section thirteen, the words "entered in either of the said schedules as."
III of 1859 ...	Cantonment Joint Magistrates.	In section sixty-three, the words "or in any station of the Settlement of Prince of Wales' Island, Singapore and Malacca, to the Court of Judicature there." In section sixty-seven, the words "and in the Straits Settlements in such manner as the Governor shall notify."
XV of 1859 ...	Patents ...	In the title, the words "and for constituting those Officers Registers of Deeds." In the preamble, the words "and that they should also be appointed Registers of Deeds within the same limits." Section three, so far as it relates to the Presidency of Madras. Section five.
XXXI of 1861 ...	Saltpetre ...	Sections thirteen and thirty-six.
XIII of 1863 ...	Imprisonment of Convicts, Bombay.	So much as has not been repealed.
XIV of 1863 ...	Amending Act X of 1859	The whole.
III of 1864 ...	Foreigners ...	So much as has not been repealed.
XVII of 1864 ...	Official Trustee ...	In section twenty-four, the words "and the several Stations of the Settlement of Prince of Wales' Island, Singapore and Malacca."
		In section three, the words "the said."

*Acts of the Governor General in Council—continued.*

Number and year.	Subject.	Extent of repeal.
XXII of 1864 ...	Cantonments ...	In section eight, the words " <i>and for constituting those Officers Registrars of Deeds.</i> "
XI of 1865 ...	Mofussil Small Cause Courts ...	In section twelve, the words " <i>or District</i> " " <i>and for constituting those Officers Registrars of Deeds</i> "; so much as relates to the trial of small suits in military bázars, cantonments and stations in the Presidency of Madras, and the last twenty-one words.
XV of 1865 ...	Pársi Marriage and Divorcee ...	So much of section fifty-three as has not been repealed.
XXIX of 1865 ...	Pleaders ...	Sections one, two and three.
XII of 1866 ...	Private Water-courses ...	The whole.
XIV of 1866 ...	Post Office ...	Section fifty-five, and in section fifty-six, the words " <i>or by any Assistant to a Magistrate or Deputy Magistrate.</i> "
XXV of 1866 ...	Transfer of securities to Government.	The preamble from " <i>And whereas</i> " to " <i>purposes aforesaid.</i> "
VII of 1867 ...	Purchases from Soldiers ...	In section one, the first eight words.
XIII of 1867 ...	Port dues: Coast lights ...	Section two.
XIV of 1869 ...	Bombay Civil Courts ...	The second paragraph of section five. The second paragraph of section fourteen. Sections thirty and thirty-one.
X of 1870 ...	Land Acquisition ...	In section thirty-nine, the words " <i>by the Code of Civil Procedure.</i> "
XXII of 1870 ...	European British Subjects ...	Section one.
XXIII of 1870 ...	Coinage ...	Section eighteen, paragraph one.
XXVII of 1871 ...	Criminal Tribes ...	Section twenty-three.
III of 1872 ...	Marriage ...	Section twenty and the fourth schedule.
X of 1872 ...	Criminal Procedure Code...	Section three.
XVIII of 1872 ...	Amending Evidence Act...	Section eight.
XXI of 1872 ...	Sepoy Lunatics ...	Section six.
X of 1873 ...	Oaths ...	In section one, the third paragraph.
XVI of 1873 ...	Village Police, N. W. Provinces.	In section one, the third paragraph.
III of 1874 ...	Married Women ...	Section three.
IV of 1874 ...	Foreign Recruiting ...	In section one, the third clause.

*Acts of the Governor General in Council—concluded.*

Number and year.	Subject.	Extent of repeal.
V of 1874 ...	Kullu Appeals ...	Section four.
XV of 1874 ...	Laws Local Extent ...	Section nine and the seventh schedule. So much of the second schedule as relates to Madras Regulations I of 1819, III of 1831 and VII of 1832, and to section four of Madras Regulation IV of 1821, and to Act No. VIII of 1856. So much of the fourth schedule as relates to Bengal Regulations LVIII of 1795 and IV of 1829.
XVI of 1874 ...	Repealing Act, 1874 ...	The whole.
III of 1875 ...	Amending Repealing Act, 1874.	The whole.
IV of 1875 ...	Merchant Shipping ...	Section two, and the third clause of section one
VII of 1875 ...	Burma Fisheries ...	In section one, clause three.
VIII of 1875 ...	Inland Customs ...	Section two and the schedule.
X of 1875 ...	High Courts' Criminal Procedure.	Sections thirty-nine and one hundred and fifty-three.
XVI of 1875 ...	Tariff ...	Section two.
XVIII of 1875 ...	Law reports ...	Section two.

## PART II.

*Regulations of the Bengal Code.*

Number and year.	Subject.	Extent of repeal.
II of 1793 ...	Collectors and Board of Revenue.	In section eight, clause thirteen, the words and figures "by any Regulation published in the manner directed in Regulation XLI. 1793."
VIII of 1793 ...	Decennial Settlement ...	Sections sixteen, seventeen, eighteen, twenty-eight, twenty-nine, forty-eight, fifty-six, fifty-seven, fifty-nine, sixty and sixty-seven (except the fifth clause).
XIX of 1793 ...	Non-bádsbáhi Lákhiráj ...	Sections forty-five and forty-six.
XLVIII of 1793 ...	Quinquennial Register ...	Sections twenty-six, twenty-eight and twenty-nine.
III of 1794 ...	Revenue arrears, &c. ...	In section sixteen, the words "dewan or other" and the words "If the property shall be within the cities of Patna, Dacca or Moorsshedabad, the collector is to apply to the judge of the zillah through



*Regulations of the Bengal Code—continued.*

Number and year.	Subject.	Extent of repeal.
		the vakeel of Government, to make application to the judge of such city to attach and deliver it into the charge of the nearest collector."
		In sections seventeen and eighteen, the words "or in either of the cities of Patna, Dacca or Moorshedabad."
I of 1795 ...	Permanent Settlement, Benares.	In section three, clauses <i>third</i> and <i>fourth</i> , the words and figures "and printed and published in the manner prescribed in Regulation XLI. 1793." In clause <i>fifth</i> , the words and figures "which may be printed and published in the manner prescribed in Regulation XLI. 1793." Section four.
XV of 1795 ...	Extending Regulation XVI of 1793 to Benares.	In section three, clause <i>first</i> , "to the City Court or," and "or to the Provincial Court of Appeal."
LVIII of 1795 ...	Commission on jama: copies of decrees.	So much as has not been repealed.
XV of 1797 ...	Fees on division and transfer of estates.	In section two, clause two, the words and figures "that may take place under Regulation XXV. 1793, or XXVI. 1795," and in section seven, the words and figures "in Regulation XXV. 1793, or XXVI. 1795 (according to the Province in which the lands may be situated)."
I of 1801 ...	Realization of revenue ...	In section fourteen, the last sentence.
XXXIII of 1803 ...	Embezzlement of public money, C. P.	In section one, the word "tehseldars." In section two, clause <i>First</i> , the word "tehseldars" and the whole of clause <i>Second</i> of that section.
XIII of 1805 ...	Police, Katák ...	In section thirteen, the words "and likewise such of the rules contained in Regulation IV. 1804, as are not either specifically or virtually rescinded by the present Regulation." So much as has not been repealed.
XIV of 1805 ...	Civil suits, Katák ...	Sections ten, thirteen to nineteen inclusive.
XI of 1806 ...	Passage of troops ...	In section twenty, from the words "in the meantime" to the end of the section.
XX of 1810 ...	Army retainers; Military bázárs.	In section four, clause <i>First</i> , the words "or Board of Commissioners according as the lands may be situated in the districts subject to the control of those Boards in all matters connected with the land-revenue respectively"; and clause <i>Second</i> , the words "or Board of Commissioners."
XI of 1811 ...	Jama on divided estates ...	

*Regulations of the Bengal Code—concluded.*

Number and year.	Subject.	Extent of repeal.
V of 1812 ...	Collection of land-revenue	In section twenty-four, the words "and Board of Commissioners respectively." In section twenty-five, "and Board of Commissioners."
XI of 1816 ...	Succession, Katák ...	In section twelve, the words and figure "under section X."
V of 1817 ...	Hidden Treasure ...	In section six, the words "or city" where they occur before "judge."
XII of 1817 ...	Patwáris ...	In section eight, the words "the Board of Commissioners, or the Commissioner in Behar and Benares, as the case may be," and "or Commissioner." In sections thirteen, fifteen and sixteen, the words "the Board of Commissioners, or the Commissioner in Behar and Benares." In section seventeen, the words "Board of Commissioners, or Commissioner in Behar and Benares." Sections twenty-six and twenty-eight and sections thirty and thirty-three so far as they relate to section twenty-six.
XX of 1817 ...	Police ...	In section twenty-one, clause <i>tenth</i> , the last sentence. Section twenty-eight. In section twenty-nine, the words "manufacturer, molungee, or any" "manufacturers, molungees, or to" "molungee, or any other manufacturer, or," and the words "salt, or" wherever they occur. Section thirty-two.
II of 1819 ...	Resumption of revenue ...	In section eleven, the word ' <i>First</i> ' and clause <i>second</i> . Section nineteen, clause third. Section thirty, clause fifth.
VI of 1819 ...	Ferries : Police ...	In section three, clause three, the words "through the superintendents of police." In section ten, the words and figures "by section VII. Regulation XVIII. 1817."
IV of 1821 ...	Magistrates ...	Section one down to the words "Magistrate ; and." Sections four, five and six. In section eight, the words, "of the Honourable Company."
VII of 1822 ...	Settlement, Ceded and Conquered Provinces.	Section twenty-seven. In section twenty-nine, clause one, the words "and shall be written on stamped paper of the value of two rupees," and in clause fifth, the words "and shall be rendered in a roobakarree written on stamped paper of the value of two rupees."

*Regulations of the Bengal Code—concluded.*

Number and year.	Subject.	Extent of repeal.
VI of 1823 ...	Indigo suits ...	In section one, and in section three, clause <i>Seventh</i> , the words and figures "under the provisions of Regulation XX. 1812."
VI of 1825 ...	Passage of troops ...	In section five, the words "on the stamped paper prescribed for other appeals to the Revenue Boards."
XVIII of 1825 ...	Chinsurah ...	So much as has not been repealed.
III of 1827 ...	Extortion by Native officers ...	In section five, the words "on the stamped paper prescribed for miscellaneous petitions."
III of 1828 ...	Special Commissions ...	In section six, <i>Fourth</i> clause, the words "the Provincial Courts or." And in section seven, clause <i>Second</i> , the words "Provincial Courts and."
IV of 1828 ...	Power of Collectors in making or revising settlements.	In section one, the words and figures "under the rules of Regulation XV. 1824."
IV of 1829 ...	Appeals under Regulation III of 1828 ...	The whole.
XI of 1829 ...	Embankments ...	The whole.
XI of 1831 ...	Police powers of Tahsildárs ...	Section four.
V of 1832 ...	Delhi territory.	The whole.
XIII of 1833 ...	Zilas of Rámghar, Jungle Maháls and Midnápur.	The whole.

## PART III.

*Regulations of the Madras Code.*

Number and year.	Subject.	Extent of repeal.
III of 1802 ...	Procedure of Civil Courts...	Section eleven. In section sixteen, clause <i>Second</i> , the words "Hindoo," "the judge of the Court of Adawlut or," and "other," and the words and figures "under the general rule contained in Section V, Regulation II. 1802, and proceed thereupon according to the regulations." In clause <i>Third</i> , the words "when they are to proceed thereupon according to the general regulations."

*Regulations of the Madras Code—continued.*

Number and year.	Subject.	Extent of repeal.
XIII of 1802 ...	Records of Courts ...	In section fifteen, the words and figures "in the same manner as is prescribed to the Provincial Courts of Appeal in section XII."
XXIX of 1802 ...	Karnams ...	Section one down to the words "kurnum. But" Section four. In sections eighteen and nineteen, the words "before the Court of Circuit."
II of 1803 ...	Collectors ...	Sections twenty-seven, twenty-eight and twenty-nine.
IX of 1803 ...	Customs Officer, Madras ...	So much as has not been repealed.
V of 1804 ...	Court of Wards ...	In section six, clause <i>Third</i> , the words "Courts of Appeal or to the," "as it shall seem fit," and "respectively." In section twenty-four, clause <i>Second</i> , from "and it shall" to the end of that clause.
I of 1805 ...	Salt ...	In section eight, clause <i>First</i> , the words "after the date of the Regulation ;" clause <i>Second</i> , the words "commercial residents." In section fourteen, clauses <i>First</i> , <i>Second</i> , and <i>Fourth</i> , the words "commercial residents," "by commercial residents." In section fifteen, the words "commercial residents." In section sixteen, the words "commercial residents." Section twenty-two.
II of 1806 ...	District Courts ...	The whole Regulation except section VII, Clause <i>Second</i> .
VII of 1808 ...	Martial Law ...	In the preamble, the words and figures "from the 1st day of October, 1808." Section four, from "or before any special court" to the end of that section.
IV of 1816 ...	Village Munsifs ...	Section four, clause <i>First</i> , and the words ' <i>Second</i> ' and ' <i>Third</i> .' In sections five and twenty-seven, the word "Arcot." In section ten, clause <i>Second</i> , the words "in the form prescribed in section XXXVI of this Regulation." Sections thirty-two and thirty-four.
V of 1816 ...	Village Pancháyats ...	In sections three, four and sixteen, the word "Arcot," wherever it occurs.



*Regulations of the Madras Code,—continued.*

Number and year.	Subject.	Extent of repeal.
		<p>In section ten, the words "and no stamp paper need be used in plaint, answer, or any process."</p> <p>In section eleven, clause <i>First</i>, the words "upon stamp paper of the prescribed rate according to the amount of the suit."</p> <p>In clause <i>Fourth</i>, the words "by the oaths of two credible witnesses at the least," and "Provincial."</p> <p>Section fifteen.</p> <p>In section seventeen, the words "on stamped paper of the prescribed rate, according to the amount decreed."</p>
XI of 1816 ...	Heads of Villages, &c. ...	In section forty-seven, the words and figures "as directed in section X, Regulation III. 1810."
XII of 1816 ...	References to Village and District Pancháyats.	<p>In section three, the words and figures "by Clauses Second and Third, Section XIV, Regulation VI. 1816."</p> <p>In sections five and nine, the word "Arcot."</p> <p>Section six, clause <i>First</i>, so far as it relates to Regulation VII. 1816.</p> <p>In section six, clause <i>Second</i>, the words and figures "without requiring the agreement specified in clause <i>Second</i>, section IV, Regulation VII. 1816."</p> <p>In section nine, clause <i>First</i>, the words "by the oaths of two credible witnesses at the least," and "Provincial."</p> <p>In section eleven, the words "exempt from all stamp-duties, and shall be," and the words and figures "or to such charges as are specified in Regulation VII. 1816, if decided by a district punchayet."</p>
XIV of 1816 ...	Pleaders ...	<p>In the preamble, the words "and to transfer to the Provincial Courts the control now exercised by the Sudder Adawlut in the appointment and removal of vakeels or native pleaders in the Zillah Courts and in the Provincial Courts."</p> <p>In section three, clause <i>First</i>, the words "and the several Provincial Courts," "in their respective courts," "being natives of India of the Hindoo or Mahomedan persuasion, and," and clause <i>Second</i> "for the approbation of the Provincial Court of the division," "being a native of India and otherwise," from "and shall communicate" to the end of that section.</p>

*Regulations of the Madras Code,—continued.*

Number and year.	Subject.	Extent of repeal.
		<p>In section four, the words "the Provincial Courts" and "which is not required to be written on stamped paper."</p> <p>In section eight, the words "and the Provincial Court, on consideration of the judge's report."</p> <p>In section ten, clause <i>First</i>, the words "and the several Provincial Courts;" clause <i>Second</i>, the words "a register or" and "report the circumstances of the case, together with his own opinion upon it, to the Provincial Court, who will."</p> <p>In section eleven, the words "without the previous sanction of the Provincial Court," and from and including the words "but in such" to the end of the section.</p> <p>In section thirteen, the words "on unstamped paper."</p> <p>In section fourteen, the word "Arcot" wherever it occurs.</p> <p>In section fifteen, clause <i>Second</i>, the words "or registers" and "either by a deduction from the fees which may become due to the offender, or."</p> <p>In section eighteen, clause <i>First</i>, the word "register"; clause <i>Third</i>, the words "Provincial Courts or to the"; the second sentence; and the words "Provincial Courts and of the."</p> <p>In section twenty, the words "of the Provincial Courts," and "under the provisions contained in the following clauses of this section."</p> <p>In section twenty-five, clause <i>First</i>, the words "the Provincial Courts" and the word "Arcot" wherever it occurs; clause <i>Third</i>, the words and figures "written on the stamped paper prescribed in Section XI, Regulation XIII. 1816."</p> <p>In section thirty-six, the words "on unstamped paper."</p> <p>In section thirty-nine, the words "or district" in each of the places where they occur, and the figures "VI" and "VII."</p> <p>In the Appendix No. 1, the words "or in the Provincial Court for the division of."</p> <p>In the Appendix No. 2, the words "or the Provincial Court for the division of."</p>
VIII of 1817 ...	Estates of Native Soldiers	The Appendix, except No. 5.
II of 1819 ...	State Prisoners ...	<p>In the preamble, the last nine words.</p> <p>Section eight.</p> <p>In section nine, the words "to the Provincial Court of Appeal and Circuit."</p>
IV of 1821 ...	Petty thefts ...	In section six, clause <i>First</i> , the word "Madras."

*Regulations of the Madras Code,—continued.*

Number and year.	Subject.	Extent of repeal.
IX of 1822 ...	Embezzlement by Public Servants.	In the preamble, the last ten words. In section three, clause <i>Third</i> , the words and figures "in the manner prescribed in section VII, Regulation III. of 1802." In section four, the second sentence. In section five, clause <i>Fourth</i> , the word "Arcot." In section eight, the words "before the criminal judge (who is hereby empowered to take cognizance of such cases)" and "by him." In section nine, the words "on oath." Section ten, from the words "and the rules" to the end of the section. Sections seventeen and eighteen.
III of 1823 ...	Subordinate and Assistant Collectors.	In section one, the last ten words.
VII of 1828 ...	Subordinate and Assistant Collectors.	In section one, the last ten words. Section seven.
V of 1829 ...	Hindú Wills	In section one, the last ten words.
I of 1830 ...	Sati	In section one, the words "from the time of their promulgation." In section four, clauses <i>First</i> and <i>Third</i> , the words "before the Court of Circuit." In the same section, clause <i>Second</i> , the words "at the discretion of the Court of Circuit." Section four, clause <i>Fourth</i> , from "and for this purpose" to the end of that clause. The same section, clause <i>Fifth</i> .
VI of 1831 ...	Hereditary Village Offices	In section one, the last ten words. Section three, down to the words "enacted that."
X of 1831 ...	Prohibition of sale of Minors' Estates for arrears of revenue.	In section one, the words "as soon as promulgated." In sections two and seven, the word "Madras" wherever it occurs. In section three, the words "or to the assistant judge of the auxiliary court." In section four, the words "or assistant." In section six, the words "Madras" and "or assistant." In section eight, the words "or to the assistant judge of the auxiliary court." In section nine, the words "or of the assistant judges of the auxiliary courts," and the words "to the Provincial Courts." Section ten.
XI of 1832 ...	Hidden treasure	In section one, the last ten words. In section two, clauses <i>First</i> and <i>Second</i> , the words "from and after the date of
XIV of 1832 ...	Buying Soldiers' necessaries	

*Regulations of the Madras Code,—concluded.*

Number and year.	Subject.	Extent of repeal.
		the promulgation of this regulation," and "before the criminal, joint criminal, or native criminal judge within the limits of whose local jurisdiction the offence may have been committed," and the word "Madras."

## PART IV.

*Regulations of the Bombay Code.*

Number and year.	Subject.	Extent of repeal.
II of 1827 ...	Pleaders ...	Appendixes A, D, E, F, G, H.
V of 1827 ...	Limitation ...	In the title, the words "defining the Limitations, as to Time, within which Civil Actions may be prosecuted, and" and the word "Interest."
XII of 1827 ...	Police ...	The preamble. In section nineteen, clause <i>Sixth</i> , the words "personal restraint." In the same section, clause <i>Seventh</i> , the words "which shall be tried before the judge, or one of his assistants, exclusively." Appendix C.
XIII of 1827 ...	Criminal Courts ...	In section thirty-four, clause <i>Third</i> , the words "or to the magistrate above mentioned."
XVI of 1827 ...	Revenue Administration ...	In the preamble, the words "to have effect throughout the zillahs subordinate to Bombay." In section two, clause <i>Second</i> , the words and figures "decide certain civil suits and" and "as more particularly specified in Regulation XVII. A. D., 1827, Chapters VIII and X." In the title to Chapter III, the words "of hereditary district and village officers inclusive." Section twenty-five.
XVII of 1827 ...	Jurisdiction of Revenue Authorities.	The title from "vesting" to the end. In the preamble, the words "to have effect throughout the territories subordinate to Bombay." In section twelve, clause <i>Sixth</i> , the words "Sudder, or any." In the title to Chapter IV, the words "and penal jurisdictions of the zillah magistrate and criminal judge in such cases." In section fifteen, clause <i>Second</i> , and clause <i>Third</i> so far as it relates to clause <i>Second</i> .



*Regulations of the Bombay Code—continued.*

Number and year.	Subject.	Extent of repeal.
XIX of 1827 ...	Revenue Administration ...	<p>The title from "and for Collecting" down to "Horses," and the words "and also for levying Fees in the Court of Petty Sessions and Police Offices."</p> <p>In the preamble, the words "and whereas it has further been deemed expedient, under the authority of the British legislature for such purpose given, to levy certain taxes and fees at the presidency of Bombay."</p> <p>In section thirteen, clause <i>First</i>, the words "in the mode prescribed in the preceding section."</p> <p>In section twenty-nine, the words "in the manner and before the authority specified in section XIV. Clause <i>First</i>, or by confession before the said authority," and from "and in case" down to "provided for."</p>
XXI of 1827 ...	Duty on Opium ...	<p>The title from "made with" down to "India."</p> <p>In the preamble, from "that the importation and sale at Bombay of tobacco" down to "be prohibited."</p> <p>In section two, clause <i>First</i>, the words "(either such as established by this or any other Regulation)."</p> <p>Sections forty-seven and forty-eight.</p> <p>In section fifty-seven, the last eight words.</p> <p>In section sixty, clause <i>Second</i>, the last twenty words.</p>
XXII of 1827 ...	Military Courts ...	In the preamble, the words "which shall have effect within the territories subordinate to the presidency of Bombay."
XXV of 1827 ...	State Prisoners ...	<p>Section six.</p> <p>In section seven, the words "and to the Sudder Adawlut."</p>
XXIX of 1827 ...	Dekkhan and Khândesh ...	<p>In the preamble, the words and figures "to have effect from the 1st September 1827."</p> <p>Section two, from "and the said territories" to the end of clause <i>Second</i>.</p> <p>Section three, clause <i>First</i>, from "it is hereby" down to the word "First."</p> <p>In section five, clause <i>Third</i>, the last twenty-one words.</p>
XVI of 1828 ...	Subsidiary jails ...	So much as has not been repealed.
V of 1830 ...	Revenue Administration ...	In section one, clause <i>Third</i> , the words "and zillahs." Clause <i>Fifth</i> , and in Clause <i>Sixth</i> , the words "zillahs throughout" and the words "and the department of police."

*Regulations of the Bombay Code,—concluded.*

Number and year.	Subject.	Extent of repeal.
VII of 1830 ...	Dharwar ...	In the preamble, the words and figures "to have effect from the 1st of June, 1830." In section two, the first six words.
XIII of 1830 ...	Jágirdárs ...	In section four, the last thirteen words.
III of 1834 ...	Town duty, Bombay ...	So much as has not been repealed.

## PART V.

*Acts of the Governor of Bombay in Council.*

Number and year.	Subject.	Extent of repeal.
IV of 1862 ...	Markets and fairs ...	Section five.
V of 1862 ...	Bhágdárs and Narwadárs...	In section two, the words "and it is hereby further enacted, that."
VI of 1862 ...	Ahmadábád Taluqdárs ...	In section fourteen, from "upon oath" down to "perjury."
II of 1863 ...	Claims to exemption from Land-Revenue.	In section three, the words "either at law or in equity." In section six, clause <i>Second</i> , section ten and section eleven, clauses <i>eighth</i> and <i>tenth</i> the words "or Court of Law or Equity."
V of 1863 ...	Gas Companies ...	In section twenty-eight, the words "Joint Magistrate, or."
VI of 1863 ...	Public Conveyances ...	In section seven, the words "standing in the name of the Commissioner of Customs."
VII of 1863 ...	Summary Settlement of Claims to exemption from Land-Revenue.	In section seven, the words "either at law or in equity." In sections nine and fourteen, the words "or Court of Law or Equity."
V of 1864 ...	Mámlatdárs' Courts ...	Section eighteen.
XIII of 1866 ...	Witnesses before Legislative Council.	Section five.
XIV of 1866 ...	Edulabad and Wurrungaom	The preamble, and sections one and four.
III of 1867 ...	Cantonments...	In section fifteen, the words "Bombay Act No. IV of 1865 ( <i>an Act for the Regulation of Mofussil Gaols and the enforcement of discipline therein</i> ) or by," and the word "other."